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ACTS
OF THE
GENERAL ASSEMBLY
OF
NEWFOUNDLAND
1938

Statutes
Nfld

Newfoundland, Statutes
-- Statutes of Newfoundland



ACTS

2199

OF THE
HONOURABLE COMMISSION OF GOVERNMENT
OF NEWFOUNDLAND
1938.

PASSED IN THE SECOND YEAR OF THE REIGN OF HIS
MAJESTY KING GEORGE VI.

His Excellency Vice-Admiral Sir Humphrey Thomas Walwyn, Knight
Commander of the Most Exalted Order of the Star of India, Com-
panion of the Most Honourable Order of the Bath, Companion of
the Distinguished Service Order, Governor and Commander-in-
Chief in and over Our said Island of Newfoundland and its
Dependencies.


534001
21.2.52

ST. JOHN'S, NEWFOUNDLAND.

David R. Thistle, King's Printer.

1938.





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NEWFOUNDLAND

AN ACT TO AMEND THE LAW RELATING TO
HARBOUR BOARDS

SECTION

1.—Powers of a Harbour
Board respecting loans.

SECTION

2.—Act to be read with Act
No. 34 of 1934.

[14 January, 1938]

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1938.

1. It shall be lawful for a Harbour Board appointed under the Act No. 34 of 1934, to construct and maintain out of its funds such marine or harbour works within the limits of the harbour entrusted to it as the Commissioner may approve; and any such Board may for that purpose obtain loans or advances of money from the Crown, or, with the permission in writing of the Governor-in-Commission, from private lenders, up to such amount and upon such terms as the Governor-in-Commission may from time to time approve; and may out of its funds pay interest upon and pay off the principal of such loans or advances; and may, subject to the approval of the Governor-in-Commission in each case, enter into agreements with the Crown or with the private lenders, if any, under which the revenues

Powers of a
Harbour Board
respecting
loans.

of the Board are pledged or given as security for the payment of interest and the payment off of the principal of any such loan, or loans.

Act to be
read with Act
No. 34 of 1934.

2. This Act shall be read with the Act No. 34 of 1934 entitled "An Act to provide for the Management and Control of Harbours."

AN ACT TO AMEND ACT NO. 19 OF 1937 ENTITLED
“AN ACT TO AUTHORIZE THE UNDERTAKING
OF INSURANCE FOR THE PURPOSE OF MAIN-
TAINING THE CODFISH TRADE WITH ITALY”.

[2nd February, 1938]

SECTION 1.—Extension of period of operation of Act No. 19
of 1937.

Be it enacted by the Governor, by and with the advice of A.D. 1938.
the Commission of Government, as follows:

1. Section 6 of the Act No. 19 of 1937 entitled “An Extension of
Act to authorize the undertaking of insurance for the pur- period of oper-
pose of maintaining the codfish trade with Italy” is here- ation of Act
by amended by striking out the words “20th day of No. 19 of 1937.
December 1937” and substituting the words “30th day
of April 1938”.

AN ACT TO AMEND THE NEWFOUNDLAND TOUR-
IST TRAFFIC DEVELOPMENT BOARD ACT, 1936.

[2nd February, 1938]

SECTION 1.—Amendment Section 3, No. 6 of 1936

A.D. 1938.

**Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:**

Amendment
Section 3, No
6 of 1936.

1. Section 3 of the Act No. 6 of 1936 (Newfoundland
Tourist Traffic Development Board Act, 1936) is hereby
amended by striking out the words “Commissioner for
Natural Resources” and substituting therefor the words
“Commissioner for Public Utilities”.

AN ACT FOR THE CONFIRMATION OF AN AGREEMENT BETWEEN THE GOVERNMENT AND SANTA CRUZ OIL CORPORATION

[2nd February, 1938]

SECTION

- 1.—Confirmation of Agreement forming the Schedule to this Act.
- 2.—Power to assign contract.
- 3.—Import duties and taxes.
- 4.—Liability of operator for

SECTION

- taxes and duties in certain cases.
- 5.—(1) Amendment of clause 27 of Agreement.
 - (2) Judicature Act to apply to arbitrations.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

1. The Agreement made between His Excellency Sir Confirmation Humphrey Thomas Walwyn, K.C.S.I., C.B., D.S.O., Gov- of Agreement ernor of Newfoundland and its Dependencies in Com- forming the mission, of the one part, and the Santa Cruz Oil Corpor- Schedule to ation, a body corporate instituted under the laws of Cali- this Act. fornia in the State of California in the United States of America (hereinafter called "the operator") of the other part, dated the 18th day of May, A.D. 1937, and forming the Schedule to this Act, as amended by this Act, is hereby approved, confirmed and adopted, and all and singular the several clauses and provisions thereof are hereby declared to be valid and binding upon the said parties thereto and each of them respectively, and to have the force and effect of law, and all and singular the several acts, matters and things therein provided to be done or performed by or on the part of the parties respectively are hereby declared to be proper and lawful, and the parties and each of them shall have full power and authority from time to time to do and perform or omit to do and perform all and singular the several acts, matters and things in and by the said Agreement provided to be done or not to be done, as the case may be, in the

manner and with the effect and under the conditions stipulated and provided in the said agreement.

Power to assign contract.

2. The rights and privileges conferred and the obligations and liabilities imposed upon the operator by this Act and by the agreement forming the schedule hereto shall be deemed to extend to any person or corporation to whom the operator's enterprise may be assigned as a whole, provided the consent in writing of the Government of Newfoundland to such assignment has been first obtained.

Import duties and taxes.

3. (1) All material, plant, tools, fixtures and machinery required for and used in the construction of plants, offices and factories of the operator used in the manufacture of herring meal and herring oil, but not otherwise, including material used and necessary for sewerage, heating and lighting systems, and all equipment for the herring oil and herring meal operations of the operator, both for the installation and further extension of the same, but not in substitution of new for old, including vessels and boats for the said operations, both for the installation and further extension, but not in substitution of new for old, shall for the periods of the concessions hereby granted and the renewal of such periods, if any, be imported into Newfoundland free of import duty and

taxes, except as provided in sub-sections (2) and (3) of this section.

(2) The operator shall pay an import duty of one cent (1c.) per Imperial gallon on fuel oil and diesel oil imported for use in factories and vessels and boats used by the operator in its operations.

- (3) The operator shall pay such import duties and taxes of general application (if any) as shall be in force from time to time under the general laws of Newfoundland on the following:
- (a) Machinery, equipment, spare parts and articles and material required for renewals, replacements and repairs of the operator's plants, offices, factories, sewerage, heating and lighting systems.
 - (b) Clothing, dry goods, hand tools, food and all consumable stores of whatsoever nature, both for use on sea or land in connection with any operations connected with the activities of the operator.
 - (c) Material and equipment for houses as such and buildings ordinarily used for dining or living purposes.
 - (d) Moveable articles of household and office furniture, including stoves and furnaces, not being furnaces for the heating of the plants, offices and factories of the operator.
 - (e) Goods intended for the personal and private use or ownership of individuals.
 - (f) Lumber.
 - (g) Windows and doors and casings therefor, sashes, mouldings, mantels, stairs, cupboards, barrels, boxes or other containers, vessels, boats, made or constructed mainly or entirely of wood, of kinds, qualities and sizes manufactured in Newfoundland, if such windows and doors and

casings therefor, sashes, mouldings, mantels, stairs, cupboards, barrels, boxes or other containers, vessels, boats, can be obtained in Newfoundland as and when and of qualities and sizes required by the operator from time to time.

(h) Nails.

(i) Paints.

(j) Lines, twines and nets of kinds that can be manufactured in Newfoundland.

(k) Coal.

(l) Sacks of any material and paper bags.

(m) Cans or other containers of kinds that can be manufactured in Newfoundland.

Liability of
operator for
taxes and
duties in
certain cases.

4. Whenever the operator shall have imported under the provisions of this agreement, any goods or article free of duty or taxes, or at rates which are lower than those of general application for the time being in force in Newfoundland, and shall sell, give or otherwise transfer the same to any person or corporation not entitled to import such goods or article free of duty or taxes or at such lower rates it shall be the duty of the operator to notify the Secretary for Customs forthwith of such sale, gift or transfer and to pay all duties and taxes, if any, which would be payable on such goods or article if imported by such vendee, donee or transferee under the Customs Acts and Revenue Acts in force at the time of such sale, gift or transfer and upon the appraised value and quantity ascertained by a Customs appraiser for duty on such goods or article at that time.

5. (1) Clause 27 of the agreement forming the Schedule hereto shall be read as if the words "The decision of the said board of arbitrators shall be final" were struck out and the following words inserted in lieu thereof: "The provisions of the Judicature Act relating to arbitration shall apply to any arbitration held under this agreement. The decision of the said board of arbitrators or a majority of them shall be final". Amendment of
clause 27 of
Agreement.
- (2) The provisions of the Judicature Act relating to arbitration shall apply to any arbitration held under the agreement forming the Schedule hereto, as if Section 212 of the Judicature Act had not been passed. Judicature Act
to apply to
arbitrations.

SCHEDULE

THIS AGREEMENT made at St. John's
in the Island of Newfoundland
this 18th day of May Anno Dom-
(L.S.) ini One Thousand Nine Hundred
and Thirty-seven BETWEEN His
Excellency Sir Humphrey Thomas
Walwyn, Knight Commander of
the Most Exalted Order of the
(Sgd) Star of India, Companion of the
Humphrey Walwyn Most Honourable Order of the
Bath, Companion of the Distin-
Service Order, Governor and
Commander-in-Chief in and over
the Island of Newfoundland and
its Dependencies, in Commission
(H. P. Carter (hereinafter called "the Govern-
ment")) of the one part AND
H. M. Attorney General Santa Cruz Oil Corporation, a
(Acting) body corporate instituted under
the laws of California in the
State of California in the United
State of America (hereinafter
called "the operator") of the
other part.

WITNESSETH as follows:

1. The Government hereby grants to the operator the exclusive right to manufacture herring oil and herring meal on the South Coast of Newfoundland from Point LaHaye in St. Mary's Bay to Connaigre Head on the West side of Fortune Bay either in land factories or in factory ships manufacturing inside the territorial waters of Newfoundland in the area set forth for a period of twelve (12) years from the date of the signing of this agreement by the Government. The operator agrees that it is a condition upon which the continuance of the exclusive right granted

under this paragraph depends that it will not manufacture herring oil or herring meal on the coast of Newfoundland outside the territorial waters thereof.

2. The Government hereby grants to the operator the exclusive right to manufacture herring oil and herring meal on the coast of Labrador from Cape Charles to Sandwich Bay for a period of fifteen (15) years from the date of signing of this agreement by the Government, either in land factories or in factory ships manufacturing inside the territorial waters of Labrador in the area so set forth. No manufacture shall be carried on outside the territorial waters of Labrador provided, however, that should fishing operations and/or investigations show that it is necessary for ships and boats engaged in the herring fishery or the manufacture of herring oil and herring meal to go beyond the territorial waters of Labrador to keep in touch with available supplies of herring, then and in such event the operations may be carried on outside the said territorial waters of Labrador provided that Newfoundland fishermen only will be employed and that Newfoundland labour only (with the exception of necessary experts and minimum crew necessary to navigate factory ships) will be employed.

3. Except as provided in paragraph 23 hereof, the operator shall not carry on any business, other than that of the manufacture of herring oil and herring meal, in any factory ship or land factory used by it in the manufacture of herring oil and herring meal.

4. The operator is hereby given the right to obtain a renewal of the concessions at the end of the periods hereby granted under paragraphs 1 and 2 hereof respectively for the further period of twelve (12) and fifteen (15) years; provided that application for renewal is made by the operator in writing not less than three months before the termination of the initial periods; and provided further that the conditions herein contained and on the part

of the operator to be performed have been performed to the satisfaction of the Government during the said initial periods; provided also that any renewal granted under this clause shall be subject to any conditions and obligations that are in force during the said initial periods except insofar as these may be modified by mutual agreement.

5. (1) All material, plant, tools, fixtures and machinery required for and used in the construction of plants, offices and factories of the operator used in the manufacture of herring meal and herring oil, but not otherwise, including material used and necessary for sewerage, heating and lighting systems, and all equipment for the herring oil and herring meal operations of the operator, both for the installation and further extension of the same, but not in substitution of new for old, including vessels and boats for the said operations, both for the installation and further extension, but not in substitution of new for old, shall for the periods of the concessions hereby granted and the renewal of such periods, if any, be imported into Newfoundland free of import duty and taxes, except as provided in sub-paragraphs (2) and (3) of this paragraph.
- (2) The operator shall pay an import duty of one cent (1c.) per Imperial gallon on fuel oil and diesel oil imported for use in factories and vessels and boats used by the operator in its operations.
- (3) The operator shall pay such import duties and taxes of general application (if any) as shall be in force from time to time under the general laws of Newfoundland on the following:
 - (a) Machinery, equipment, spare parts and articles and material required for renew-

als, replacements and repairs of the operator's plants, offices, factories, sewerage, heating and lighting systems.

- (b) Clothing, dry goods, hand tools, food and all consumable stores of whatsoever nature, both for use on sea or land in connection with any operations connected with the activities of the operator.
- (c) Houses as such and buildings ordinarily used for dining or living purposes.
- (d) Moveable articles of household and office furniture, including stoves and furnaces, other than furnaces for the heating of the plants, offices and factories of the operator.
- (e) Goods intended for the personal and private use or ownership of individuals.
- (f) Lumber.
- (g) Windows and doors and casings therefor, sashes, mouldings, mantels, stairs, cupboards, barrels, boxes or other containers, vessels, boats, made or constructed mainly or entirely of wood (of kinds, qualities and sizes manufactured in Newfoundland), if such windows and doors and casings therefor, sashes, mouldings, mantels, stairs, cupboards, barrels, boxes or other containers, vessels, boats, can be obtained in Newfoundland as and when and of qualities and sizes required by the operator from time to time.
- (h) Nails.

- (i) Paints.
- (j) Lines, twines and nets of kinds that can be manufactured in Newfoundland.
- (k) Coal.
- (l) Sacks of any material and paper bags.
- (m) Cans or other containers of kinds that can be manufactured in Newfoundland.

6. Whenever the operator shall have imported any goods or article free of duties or taxes, or at rates which are lower than those of general application for the time being in force in Newfoundland under the provisions of this agreement, and shall sell, give or otherwise transfer the same to any person or corporation not entitled to import such goods or article free of duty or taxes or at such lower rates it shall be the duty of the vendor, donor or transferor to notify the Customs Department forthwith of such sale, gift or transfer and to pay such duties and taxes, if any, which would be payable on such goods or article by such vendee, donee or transferee under the Customs Act and Tariff in force at the time of such sale, gift or transfer upon the appraised value or quantity ascertained by a Customs appraiser for duty on such goods or article at that time.

7. The operator shall be deemed to have guaranteed payment of duty to the Government in the cases in paragraph 6 hereof and shall be secondarily liable for such duties and shall pay the same if the Commissioner for Finance shall have been unable to collect the same from the person or corporation primarily liable.

8. In the event of any dispute arising with regard to the interpretation of any of the foregoing provisions

relating to the duties of Customs, the provisions of the Customs Act for the time being in force in Newfoundland regarding disputes as to the rate of duty payable on any class of goods or as to the exemption from duty of any goods, shall apply to this agreement, notwithstanding anything contained in paragraph 27 to the contrary.

9. No export duty or export tax will be imposed by the Government on herring oil and herring meal manufactured by the operator so long as this agreement is in force.

10. The operator is hereby permitted to fish for herring with purse seines, provided that the operator shall not remove, damage or obstruct the gear of fishermen engaged in any of the fisheries of the Colony.

11. If at any time during the continuance of this agreement the operator desires to erect a factory or factories for the manufacture of herring oil and herring meal on ungranted Crown Lands, then and in such event there shall be issued to the operator fee simple grants of adequate sites for such factory or factories, subject however to the provisions of the Crown Lands Act 1930 and Acts in amendment thereof.

12. (1) The operator agrees forthwith to incorporate under the laws of Newfoundland a corporation to which it will assign all its rights, privileges, obligations and liabilities and is hereby empowered to assign all its rights, privileges, obligations and liabilities under this agreement to such corporation provided the same is acceptable to the Government but not otherwise, subject always to the observance and performance by the operator of the conditions herein contained and on the part of the operator to be observed and performed.

- (2) Provided, however, that nothing herein contained shall be deemed to prevent the operator hereunder from contracting or agreeing with any American corporation or citizen to utilize the privileges granted hereunder in the operation of an American vessel or vessels of not less than the required capacity and complying otherwise with the provisions of this agreement as a floating factory or factories, the operations of which shall be deemed a compliance with the requirements of this agreement for the operation of a floating plant, and any breach of this agreement by such American corporation or citizen shall be deemed a breach by the operator; and any such American corporation or citizen shall be liable to the Government for income taxes on all income from its operations in Newfoundland or Labrador or under any such grant from or agreement with the operator, and the operator hereby guarantees the prompt and full payment of all such taxes. The operator agrees that it shall be a condition of this agreement that said American corporation or citizen shall keep full and complete books and records in Newfoundland available to the Government, showing all its operations and business in Newfoundland or Labrador or under such grant or connected therewith, which shall truly reflect its income therefrom, and that all sales and transactions shall be bona fide. It shall be the duty of the operator to furnish at the request of the Government accounts of all operations and transactions including sales of the American corporation or citizen under this paragraph, such accounts to be certified by a chartered or certified public accountant or firm of chartered or certified public accountants acceptable to the Government.

13. The operator will during the herring catching seasons of 1937 and 1938 operate a power boat of not less than sixty (60) tons on the Labrador coast for herring fishery and fishery investigations and will continue to operate throughout the herring catching season. The boat shall be manned by Newfoundlanders with the exception of technical supervisors.

14. (1) The operator shall have at least one shore factory capable of manufacturing not less than three hundred (300) tons of herring per day erected and ready for operation in one of the reserved areas by the 31st day of December, 1937, and shall operate the said factory during each herring catching season thereafter.

(2) The operator shall have at least one factory ship capable of manufacturing not less than three hundred (300) tons of herring per day for the manufacture of herring oil and herring meal on the coast of Newfoundland and/or Labrador by the 1st day of July, 1938. It shall manufacture herring oil and herring meal on the coast of Labrador and/or south of the Straits of Belle Isle, on the east or west coast of Newfoundland or both, and on the south coast thereof during the herring catching seasons of 1938 to 1939, beginning in July, 1938, and continuing as long as herring of suitable quality and quantity are available.

15. If within three (3) years of the date of the signing of this agreement by the Government, it is found practicable, having regard to the location of supplies and types of herring and internal and external economic considerations, to erect additional shore factories for the manufacture of herring oil and herring meal, such factories shall be erected by the operator at suitable points in the reserved areas, but the operator shall not be re-

quired to erect more than one factory in each of the following four areas: Fortune Bay, Placentia Bay, St. Mary's Bay, and the coast of Labrador. If there is any dispute between the operator and the Government as to practicability, the matter shall be referred to arbitration as provided hereinafter.

16. (1) The operator agrees to carry on operations as hereinbefore provided during each herring catching season in the areas of Newfoundland and Labrador referred to in paragraphs 1 and 2 hereof, provided that herring of suitable quality and of sufficient quantity are available, and the operator further agrees that the annual manufacture by it after three (3) years from the date of the signing of this agreement by the Government shall be not less than one hundred thousand tons (of 2240 lbs. per ton) of herring per year.

(2) It is agreed that if sufficient supplies of herring are not available for the manufacture of the quantity referred to in sub-paragraph (1) of this paragraph, a lesser production, proportionate to available supplies, shall be sufficient, otherwise the exclusive rights and concessions hereby granted by the Government to the operator shall be forfeited. Provided however that the concessions shall not be forfeited while the operator is prevented from carrying on operations, due to Act of God, force majeure or conditions over which it has no control.

17. The operator shall keep full and accurate books and records showing all stages of its operations, and the said books and records shall be open to inspection by any official authorized by the Government to inspect the same, together with the records and books of any American

corporation or citizen referred to in paragraph 12 hereof, such information to be treated in a confidential manner.

18. The operator agrees to pay fishermen from whom herring is purchased and fishermen and labourers engaged or employed by it, a fair price in cash for their products and a fair wage for labour. In the event of any complaint being made to the Government by fishermen or labourers as to prices or wages paid, the Government shall notify the operator of such complaint, and the operator shall thereupon give the Government the reasons of the operator for maintaining the said prices or wages together with such other information as the Government may require. If, in the opinion of the Government the price or rate of wage complained of ought to be altered, the Government may, unless the matter can be settled amicably, refer the same to arbitration as herein provided. The operator agrees, subject to the right of appeal as hereinafter provided, to be bound by the decision of the arbitrators as to the prices or rate of wages and the date or dates from which the same shall come into effect, which date may relate back to the time of the complaint first being made.

19. No fishermen, labourers or employees shall be engaged or employed by the operator in any of its activities under this agreement other than Newfoundlanders resident at the time in Newfoundland, with the exception of experts necessary for the manufacture of herring oil and herring meal (provided such experts are not obtainable in Newfoundland) and also with the exception of minimum crews necessary for the navigation of factory ships.

20. The operator shall not purchase any herring from other than Newfoundland fishermen resident in the Colony.

21. (1) The operator shall collect data as to fishing areas, quality and quantity of herring, and

other useful information and the same shall be carefully compiled by it and all such compilation, data and information shall be furnished by the operator to the Government from time to time as may be reasonably required. The operator shall also furnish to the Government at the end of each year or of the herring catching season, or as soon thereafter as may conveniently be done, a complete and correct confidential report of the operations carried on during the year or herring catching season that has just concluded.

- (2) The operator agrees that the Government may at all times place and keep an observer or observers in any of the factories and on any of the ships used by the operator and the operator shall provide the said observer or observers with all facilities for observation and for the collection of information. Where an observer is placed on a ship used by the operator, suitable accommodation shall be provided by the operator at a charge of not more than One Dollar (\$1.00) per day.

- 22. (1) The Government agrees that forthwith it will make and enforce regulations whereby no person or persons may manufacture herring oil or herring meal on the coast of or within the territorial waters of Newfoundland and Labrador without such person or persons having first obtained a licence from the Government so to do and that, except as hereinafter provided, no such licence shall be granted to any person or persons before October 1, 1939, provided the operator carries out the conditions hereof.

(2) Nothing in this paragraph shall prevent the Government from issuing licences before the date referred to in sub-paragraph 1 of this paragraph for the manufacture of such quantities of herring oil and herring meal as may be specified in the licence to persons other than the operator who are at present engaged in the manufacture of herring oil and herring meal, or who have at the date of the signing of this agreement by the Government made application to the Government for rights to manufacture.

(3) In the event of any person or persons applying for a licence to manufacture herring oil or herring meal after the 1st day of October, 1939, he shall publish sixty (60) days' notice of such application in the Newfoundland Gazette and at least one daily newspaper printed in Newfoundland during which period any other person, including the operator, may apply to the Government that the said licence be granted to him or he may present to the Government a statement setting forth reasons why the licence should not be granted. The Government shall notify any applicant of other applications or objections and, at the end of the said period of sixty days, the Government may grant or refuse any application.

23. The operator agrees to sell to fishermen of the Colony at a fair and reasonable price such herring as may be required by such fishermen for bait.

24. The operator shall not engage in the manufacture of oil or meal from caplin without previously having obtained the consent in writing of the Government so to do.

25. The operator agrees that it will take measures to ensure that fish caught but not used for manufacture will **not** be dumped on the fishing grounds.

26. If there is an International Convention restricting in any way the prosecution of the herring fishery, **nothing** in this agreement shall prevent the Government from being a party to any such International agreement as may be made and thereupon the provisions of this agreement shall be subject to the terms of such International agreement.

27. In the event of any dispute between the Government and the operator arising out of any of the terms and provisions of this agreement, such dispute shall be referred to a Board of Arbitration. The said Board shall consist of three (3) persons, one to be appointed by the Government and the other by the operator and the two arbitrators so appointed shall appoint the third member of the Board. In the event of the failure of either of the parties hereto to appoint an arbitrator within ten (10) days after receipt of notice in writing from the other party to appoint such arbitrator, or in the event of failure of the two arbitrators to agree as to the said third member, either of the parties hereto may apply to the Supreme Court for the appointment of the said arbitrator and/or third member. The decision of the said Board of Arbitrators shall be final subject to right of appeal by either party to the Supreme Court upon any question of law or fact or against the amount of any award. Notice of appeal shall be given within thirty (30) days of the date of the decision of the said Board and costs in such appeal may be awarded for or against the Government in the discretion of the Court.

28. This agreement may be terminated on the part of the Government by giving the operator notice in **writing** that by reason of breach of or failure to perform any of the terms or conditions of this agreement (particulars whereof shall be set out in the notice) all the rights and

privileges of the operator under this agreement shall cease and the agreement shall be null and void from the date mentioned in the said notice, which date shall be not less than ninety days from the date of such notice. If the operator disputes such allegation of breach or failure to perform, and unless the matter is settled to the satisfaction of the Government, the operator may refer the matter to arbitration as provided herein, otherwise all such rights and privileges shall cease and the agreement shall be null and void on the date mentioned in the notice of termination.

29. Service of any notice under this agreement shall be good and sufficient if mailed by registered post, prepaid and addressed, on the part of the operator to the Secretary of the Commission of Government of Newfoundland and, on the part of the Government, addressed to the solicitor of the operator in Newfoundland or some official of the operator at its registered office in Newfoundland. Service shall be deemed to be effected on the date of the mailing of any such notice.

30. In this agreement, where the context so admits, the word "operator" shall include its assigns.

IN WITNESS WHEREOF, His Excellency the Governor in Commission has caused the Great Seal of Newfoundland to be affixed hereto and has signed these presents, and the Santa Cruz Oil Corporation has caused these presents to be executed in accordance with its regulations the day and year first before written.

By His Excellency's Command

(Sgd). J. A. WINTER

Commissioner for Home Affairs and Education.

SANTA CRUZ OIL CORPORATION

(Sgd.) By STANLEY HILLER

President

[L.S.]

(Sgd.) By L. R. KERDELL

Secretary

AN ACT FURTHER TO AMEND CHAPTER 162 OF
THE CONSOLIDATED STATUTES (THIRD SER-
IES) ENTITLED "OF THE PROSECUTION OF
THE SEALFISHERY".

[18 February, 1938]

SECTION 1.—Amendment Section 39 Cap. 162 C.S.; compensation
for death or injury.

Be it enacted by the Governor, by and with the advice of A.D. 1938.
the Commission of Government, as follows:

1. Sub-sections (2) and (3) of Section 39 of Chapter 162 of the Consolidated Statutes (Third Series) entitled "Of the Prosecution of the Sealfishery" are hereby amended by striking out the words "one thousand dollars" in each sub-section and substituting therefor the words "fifteen hundred dollars".

Amendment
Sec. 39 Cap.
162 C.S.; com-
pensation for
death or injury.

AN ACT TO GIVE EFFECT TO CERTAIN AGREEMENTS BETWEEN THE GOVERNMENT OF NEWFOUNDLAND AND THE AVALON TELEPHONE COMPANY, LIMITED.

[16th March, 1938]

SECTION

1. Confirmation of Agreements.
2. Expropriation of site.
3. Power to erect lines, etc.
 - (a) Protection of public rights.
 - (b) Supervision of work.
 - (c) Restoration of road surfaces.
 - (d) Right of way for lines, etc.
4. Penalties.
5. Interference by or with other companies.
6. Payment for telephones.
7. Cutting off of service in default of payment.
8. Increased scale of charges.
9. Right of entry.
10. Protection against distress.
11. Offences by employees of Company.
12. Interference with apparatus of Company; penalty.
13. Damaging apparatus or obstructing workmen; penalty.
14. Tax on telephones.

SECTION

15. Amount in lieu of City tax.
16. Judicature Act to apply to arbitrations.
17. Exemptions from Customs duty.
18. Company to make provision for reserves.
19. Limitation on payment of dividends by Company.
20. Limitation on remuneration of directors and general managers.
21. Annual statement to be furnished to Government.
22. Termination of agreements on breach.
23. Short Title.

Schedule A.

Agreement of 1919.

Schedule B.

Agreement of 1922.

Schedule C.

Agreement of 1938.

Schedule D.

Scale of charges by Company, 1926.

WHEREAS under and by virtue of the Act 9 and 10 George V, Chapter 6 (The Telephone Service Act, 1919) the Governor in Council did on the second day of September, A.D., 1919, enter into an Agreement with the Avalon Telephone Company Limited, hereinafter called the Company, for the establishment of a telephone service-which Agreement is set forth in Schedule A to this Act and is hereinafter called the principal Agreement;

AND WHEREAS no legislation has since been passed to give effect to the said Agreement in so far as it extends to matters beyond the competence of the Governor in Council in his executive capacity;

AND WHEREAS by an Agreement dated the ninth day of December, A.D., 1922, which Agreement is set forth in Schedule B to this Act and is hereinafter called the Agreement of 1922, the Governor in Council transferred to the Company certain telephone lines and the Company undertook certain obligations in respect of the same;

AND WHEREAS by the Act 15 George V (2nd Session) Chapter 10, the Company was given authority to extend its telephone system to certain districts other than those specified in the principal Agreement;

AND WHEREAS the Company has proceeded under the principal Agreement and the Agreement of 1922 and the said Act 15 George V, Chapter 10, and has established telephone systems in certain districts;

AND WHEREAS the Company has petitioned for an extension of the franchise conferred by Clause 1 of the principal Agreement;

AND WHEREAS it is expedient to grant the prayer of such petition;

AND WHEREAS therefore a further Agreement, hereinafter called the Agreement of 1938, has been entered into between the Governor in Commission and the Company, which Agreement is set forth in Schedule C to this Act;

AND WHEREAS the St. John's Municipal Council, whose interests are affected by the said Agreements, has re-

presented that it should be a party to any further Agreement now made, and has been made a party accordingly;

AND WHEREAS it is expedient that legislation should be passed to give effect retroactively to the principal Agreement and to the Agreement of 1922 and to the Agreement of 1938;

A.D. 1938. **Be it therefore enacted by the Governor, by and with the advice of the Commission of Government, as follows:**

Confirmation of Agreements.

1. The principal Agreement and the Agreement of 1922 and the Agreement of 1938 hereinbefore referred to and set forth in the Schedules to this Act are hereby ratified and confirmed and shall be deemed to have been ratified and confirmed as from their respective dates, and all and singular the several clauses and conditions thereof are hereby declared to be and since their respective dates to have been valid and binding upon the said parties thereto and each of them respectively, and to have the force and effect of law, and all and singular the several acts matters and things therein provided to be done or performed by or on the part of the parties respectively are hereby declared to be and since their respective dates to have been proper and lawful and the parties and each of them shall have and since the dates of the respective Agreements shall be deemed to have had full power and authority from time to time to do and perform or omit to do and perform all and singular the several acts and things in and by the said respective Agreements provided to be done or not to be done as the case may be, in the manner and with the effect and under the conditions stipulated and provided in the said Agreements respectively.

Expropriation of site.

2. The Company shall be deemed to have had the right, with the approval of the Government, to expropriate in

St. John's a suitable site for the erection of a central telephone station, subject to compensation determined in case of dispute by arbitration in the manner in the principal Agreement provided.

3. The Company shall have power from time to time ^{Power to erect lines, etc.} to construct, erect and maintain telephone pole lines, wires, cables and all other necessary structures along the sides of, over and across or under any public roads, streets, bridges, rivers or water courses in any town or village and throughout the country within any area mentioned in Clause 1 of the principal Agreement, subject however to the following provisions:—

- (a) The Company shall not interfere with the right ^{Protection of public rights.} of the public to travel on or use such roads, streets, bridges, rivers or water courses.
- (b) In the City of St. John's the opening up of ^{Supervision of work.} streets for the erection or laying of pole lines or conduits and the erection or laying of such pole lines or conduits shall be done under the direction and supervision of the St. John's Municipal Council and without the City of St. John's such work shall be done under the direction of the Commissioner for Public Utilities and in such reasonable manner in either case as such Council or Commissioner may direct, unless such Council or Commissioner, as the case may be, after ten days' notice from the Company, shall have omitted to give such direction. But no direction or supervision shall be necessary and no notice need be given for repairs, renewals and amendments of existing works of which the character and position are not materially altered. In the event of any difference arising under this section between the Company

and such Council or Commissioner, as the case may be, the same shall be decided by the Governor in Commission.

Restoration of
road surfaces.

- (c) The Company shall in all cases at its own expense restore to its former condition the surface of any road or street affected by the Company's operations aforesaid.

Right of way
for lines, etc.

- (d) The Company shall not place any works by the side of any land or building so as to hinder or interfere with ingress or egress from the same, nor along the side of or across or under any road or street so as to interfere with public traffic thereon; but otherwise the Company shall have the right, with the approval of the Commissioner for Public Utilities, to place any of its works under or along or over any land or building without the previous authority of the owner thereof, but subject to compensation to be determined in case of dispute by arbitration as hereinafter provided.

Penalties.

4. The Company shall in the cases set forth in Clauses 7 and 8 and 9 and 10 of the principal Agreement be liable on summary conviction to the penalties in the said Clauses respectively provided.

Interference by
or with other
companies.

5. In the construction, maintenance and operation of its works the Company shall not either by act or by omission endanger or interfere with the property or operation of other persons, firms or corporations employing electricity, nor shall any such other person, firm or corporation by act or omission endanger or interfere with the property or operations of the Company.

Payment for
telephones.

6. All sums of money lawfully due by any subscriber to the Company for providing telephone communication or service shall, except as otherwise agreed between the

Company and the subscriber, be payable in the manner and under the conditions provided in Clause 12 of the principal Agreement.

7. If any person, firm or corporation supplied by the Company with any telephonic instrument or service neglects to pay the rent or charge due and payable to the Company at any time when the same or any portion thereof shall become due, the Company, or any person acting under its authority, upon giving seven days' previous notice, may stop the said service by cutting off the service wires or conductors, or by such means as the Company or its duly authorized officer may see fit, and the Company may recover the rent or charges or the rateable proportion thereof due, owing, payable or accruing up to such time in any competent Court, notwithstanding any contract to furnish service for a longer time. Any person, firm or corporation whose service has been stopped as aforesaid shall pay to the Company before the service may be resumed a reconnection fee of one dollar in addition to the service charges previously due and payable. **Cutting off of service in default of payment.**

8. The Company shall be entitled to make rental charges to subscribers in accordance with the scale set forth in Schedule D to this Act, which was approved by the Governor in Council on the 15th day of December, 1926, in lieu of the scale set forth in the Schedule to the principal Agreement, unless and until any increase in such scale of charges shall be approved by the Governor in Commission under the provisions of Clause 12 of the principal Agreement, but nothing in this Clause shall affect the scale of charges for trunk line service and pay station service set forth in the principal Agreement. **Increased scale of charges.**

9. The Company shall have the right of entry by its employees or agents into private premises in accordance with the terms of Clause 14 of the principal Agreement. **Right of entry.**

10. No telephone instrument or other property of the Company shall while on the premises of any person other **Protection against distress.**

than the Company be liable to be taken under any distress for the rent of such premises, nor under any execution or other process of law against any other than the Company.

Offences by
employees of
Company.

11. If any person in the employ of the Company

- (a) wilfully and maliciously omits or delays to transmit or deliver any message received at a telephone call office; or
- (b) by any wilful or negligent act or omission delays the transmission of any such message; or
- (c) improperly divulges to any person the purport of any such message,

he shall for every offence be liable on summary conviction to a penalty not exceeding fifty dollars, or in default of payment to imprisonment for a period not exceeding thirty days.

Interference
with apparatus
of Company;
penalty.

12. No person, except with the permission in writing of the Company, shall connect or suffer to be connected directly or indirectly with any telephone work or works of the Company, any telephone lines, transmitter, receiver or other equipment, apparatus or fitting, which is not the property of or supplied by the Company, nor shall any person, except in cases of emergency, disconnect or suffer to be disconnected from any telephone lines or work or works of the Company any telephone line, transmitter, receiver or other equipment, apparatus or fitting which is the property of or supplied by the Company, without first having obtained the consent of the Company to such disconnection; and in any case other than a case of emergency such connection or disconnection shall be made by or under the supervision of an employee of the Company; and if any person commits a breach of this section he shall for each offence be liable on summary conviction to a penalty not exceeding twenty-five dollars, or in default of

payment to imprisonment for a period not exceeding fourteen days, and the Company may in such case cease to supply telephonic communication to the premises of such person, and the Company may cut and disconnect or remove any telephone lines, transmitter, receiver or fitting which is the property of the Company from the premises of such person, notwithstanding any agreement or contract then or previously existing between the Company and such person, and without prejudice to any right or remedy for the protection of the Company.

13. No person shall without the authority of the Company break, molest, injure or destroy any instrument, wire, fuse or fitting, post, line, material, equipment or property of or belonging to the Company; nor shall he in any way obstruct, disturb or impede the action, operation or working of any line or instrument of the Company, nor in any way interfere with any workmen or employees of the Company in the due execution of any duty authorized by the Company under the provisions of the Agreements hereto scheduled. Any person who wilfully and maliciously commits a breach of this section shall be liable on summary conviction to a penalty not exceeding fifty dollars, or in default of payment to imprisonment for a period not exceeding thirty days.

14. Clause 19 of the principal Agreement shall be deemed to read as follows:

"19. The Company shall pay to the St. John's Municipal Council one dollar per year for each main telephone located within the limits of the City of St. John's, such payment to be based on the number of main telephones so located on the thirty-first day of December in each and every year, and to be payable not later than the first day of the following May. This payment shall exempt the Company from liability for the tax of four dollars per telephone im-

Damaging
apparatus or
obstructing
workmen;
penalty.

Tax on
telephones.

posed under the Telegraph (Taxation) Acts, 1905-1918."

Amount in lieu
of City tax.

15. Clause 20 of the principal Agreement shall be deemed to read as follows:

"20. In addition to the said payment to the St. John's Municipal Council of one dollar for each main line telephone located within the City limits the Company shall pay to the Council, not later than the first day of May in each year, a sum of three hundred dollars in lieu of City tax for each year up to the period ending the 1st September, 1949, and these payments shall be in lieu of all municipal taxation special or otherwise. For the remaining period of the Agreement after the 2nd September, 1949, the Company shall cease to enjoy any special exemption from municipal taxation."

Judicature Act
to apply to
arbitrations.

16. Any reference to arbitration under Clauses 3 and 5 and 6 and 21 of the principal Agreement shall be to two arbitrators, one to be appointed by the Government and one by the Company; and notwithstanding anything contained in Section 212 of the Judicature Act, the provisions of Part VI of that Act shall apply to such arbitration.

Exemptions
from Customs
duty.

17. All plant, machinery, implements, apparatus, tools, (excluding hand tools), utensils and materials for the extension of the Company's works shall be admitted into Newfoundland free of duty until the 1st day of September, 1977.

Company to
make provision
for reserves.

18. (1) The Company shall in each year apply out of profits an adequate sum to cover depreciation of plant, equipment and buildings, such sum not to be less than the actual cost of replacements in the said year, or one and one-half per cent. of the book value of the Company's plant, equipment and buildings, including de-

ferred assets, whichever is the greater: Provided that the Company shall not be required for the purposes of this section to set aside in any one year a sum exceeding two per cent. of the said book value.

- (2) Over and above the provision to be made under the preceding sub-section, the company shall in each year set aside out of profits to reserve against the obsolescence of the Company's plant and equipment, an amount not less than one per cent. of the book value of the Company's plant, equipment and buildings, including deferred assets, less any amount that may out of profits be expended in that year on the redemption of the bonds of the Company.
- (3) The book value and the deferred assets referred to in this section shall be taken in any year as at 31st December of the preceding year.
- (4) Should amounts exceeding those specified in sub-sections (1) and (2) of this section be set aside in any year commencing with the year 1938, part or all of such excess may be credited towards the annual amount to be set aside in any future year or years.

- (5) This section shall have effect as from 1st January, 1938.
- Limitation on
payment of
dividends by
Company.

19. The Company shall not pay in any year

- (a) more than \$16,544.50 in dividends, nor any dividends in stock, shares or otherwise so as to exceed the said sum of \$16,544.50, upon that

part of its ordinary capital of the face value of \$236,350.00 already issued; nor

(b) a dividend of more than seven per centum upon any stock or shares by whatever name called and whether heretofore or hereafter created which have been fully paid up in cash; nor,

(c) any dividend whatever upon any shares of any class created or issued after the passing of this Act which have been issued for any consideration other than actual full payment up in cash,

unless it shall first have set aside out of profits a sum equal to any dividends paid beyond the limits set forth in paragraphs (a), (b) and (c) above in order that

(i) such sum may be placed in a permanent reserve against obsolescence of the Company's plant, equipment and works; or

(ii) such sum may be used in the next following financial year of the Company to produce a corresponding reduction in the rates charged to subscribers for telephone service.

The said sum shall be in addition to the sums required to be set aside under Clause 2 of the Agreement of 1938.

Limitation on remuneration of directors and general managers.

20. The Company shall not pay in any year by way of remuneration to its directors and general managers a sum exceeding in the aggregate that paid for the said purpose in the calendar year 1937 unless it shall first have complied with the provisions of Clause 2 of the Agreement of 1938 and shall also have set aside out of profits a sum equal to any remuneration paid to directors and

general managers over and above the amount so paid in the aggregate for 1937 in order that

- (a) such sum may be placed in a permanant reserve against obsolescence of the Company's plant, equipment and works; or
- (b) such sum may be used in the next following financial year of the Company to produce a corresponding reduction in the rates charged to subscribers for telephone service.

The said sum shall be in addition to the sums required to be set apart under Clause 2 of the Agreement of 1938.

21. The Company shall as soon as may be after the end of each financial year of the Company furnish to the Government an annual statement of account showing the financial position of the Company which shall be certified by a public chartered accountant and shall have annexed thereto a certificate by the said accountant that all appropriations required by the Agreement of 1938 have been duly made.

Annual statement to be furnished to Government.

22. In the event of breach by the Company of any of the provisions of this Act or of the Agreements hereto scheduled the Government may give to the Company sixty days' notice in writing to comply with such provisions and if such provisions be not complied with within such period of notice then the Government may by notice in writing to the Company terminate the Agreements hereto scheduled without prejudice to any rights of either party against the other theretofore accrued: Provided that if the breach of the provisions of the Act or of any of the said Agreements is such that it cannot be made good upon notice then the Government may by notice in writing to the Company terminate the said Agreements sixty days after the date of such notice of termination

Termination of agreements on breach.

without prejudice to any rights of either party against the other theretofore accrued.

Short Title.

23. This Act may be cited as the Avalon Telephone Company Act, 1938.

Schedule A.
Agreement of
1919.

SCHEDULE A.

AGREEMENT made the second day of September A.D., 1919, pursuant to the Telephone Service Act, 1919, between His Excellency Sir Charles Alexander Harris, K.C.M.G., C.B.; C.V.O.; Governor of the Island of Newfoundland and its Dependencies in Council, (hereinafter called "the Government") of the one part, and the Avalon Telephone Company, Limited, a body corporate registered under the Companies' Acts, 1899 to 1908, (hereinafter called the Company), of the other part; WITNESSETH as follows:—

1. Subject to any rights which may be possessed by the Anglo-American Telegraph Company, Limited, and by the United Towns Electrical Company, and subject also as hereinafter provided, the Government hereby grants to the Company the exclusive right for a term of thirty years from the date of these presents to supply to others metallic or ground circuit telephone service within the Electoral Districts of Ferryland, St. John's East and West, (except Bell Island), Harbour Main, Port de Grave, Harbour Grace, Carbonear and Bay de Verde.

2. The Company shall within twelve months from the date of these presents proceed to the satisfaction of the Government Engineer with the erection in the town of St. John's of a metallic-circuit central-energy multiple-switch-board long-distance telephone system, with provision for at least three thousand telephones, the plans and specifications for which system shall, before the work of erection is commenced, be submitted to and be subject to the approval of the Government Engineer. The said system shall be constructed and put into operation as speedily as possible, and shall be completed and in operation within two years from the date of commencement; and shall be connected by metallic-circuit trunk lines, sufficient in number to meet expeditiously the requirements of traffic, to central exchanges situated at Manuels, Brigus, Bay Roberts, Harbour Grace, Carbonear, Broad Cove and elsewhere where it may be necessary or expedient to establish such exchanges. The Company may also establish public pay telephone stations in the various towns and settlements served by its system.

3. The Company shall have power from time to time to construct, erect and maintain telephone pole lines, wires, cables and all other necessary structures along the sides of, over and across or under any public roads, streets, bridges, rivers or watercourses in any town or village and throughout the country in the Electoral Districts aforesaid by overhead, underground, or underwater wires, or cables, subject, however, to the following restrictions:—

- (a) The Company shall not interfere with the right of the public to travel on or use such roads, streets, bridges, rivers or watercourses:
- (b) In the town of St. John's, the opening up of streets for the erection or laying of pole lines or conduits, and the erection or laying of such pole lines or conduits, shall be done under the direction and supervision of the St. John's

Municipal Council, and without the town of St. John's such works shall be done under the direction of the Minister of Public Works, and in such reasonable manner in either case as such Council or Minister may direct, unless such Council or Minister, as the case may be, after ten days' notice from the Company, shall have omitted to make such direction. But no direction or supervision shall be necessary and no notice shall be given for the repairs, renewals and amendments of existing works of which the character and position are not materially altered. In the event of any difference arising under this section between the Company and such Council or Minister, as the case may be, the same shall be decided by the Governor in Council.

- (c) The Company shall in all cases at its own expense restore to its former condition the surface of any road or street affected by the Company's operations aforesaid.
- (d) The Company shall not place any works by the side of any land or building so as to hinder or interfere with ingress or egress from the same, nor along the side of or across or under any road or street so as to interfere with public traffic thereon; but otherwise the Company shall have the right, with the approval of the Government Engineer, to place any of its works under or along or over any land or building without the previous authority of the owner thereof, but subject to compensation to be determined in case of dispute by arbitration as hereinafter provided:
- (e) The Company shall have the right, with the approval of the Government, to expropriate in

St. John's a suitable site for the erection of a central telephone station, subject to compensation to be determined in case of dispute by arbitration as hereinafter provided.

- (f) All plant, wires, cables, insulators and other apparatus and structures constructed or erected under the powers by this section conferred shall be modern and first class in every respect.
- 4. (a) Before commencing the construction of the works prescribed by section two of these presents the Company shall deposit with the Minister of Public Works a bond satisfactory to such Minister for securing the payment of the sum of ten thousand dollars, conditioned upon the commencement and completion of the said works within the period by the said section limited therefor, or within such extended period as may be allowed by the Government as hereinafter provided, and upon the payment by the Company of all lawful claims against it for compensation, damages and wages incurred during the said period: but the giving of such bond shall not in any way limit the liability of the Company to answer such claims in full out of its general funds.
- (b) If the said works are not commenced and completed within the said periods the Company shall, in addition to the forfeiture of the moneys secured by the said bond, forfeit also all rights, franchises and privileges by these presents conferred upon it: Provided, however, that if the Company shall prove to the satisfaction of the Government that it has been prevented by strikes or other physical causes beyond its control, and not by its own neglect, lack of funds, or the like causes, from completing the said works within the said periods, the

Government will extend the time for completion for such further period as it deems just under the circumstances, and thereupon the forfeiture hereby imposed shall be postponed for the like period.

5. The Government may, by order, from time to time require the Company to erect, provide and maintain such electric line or lines for telephonic, alarm, or signal communication, and such mechanical appliances in connection therewith, as may be necessary for securing separate intercommunication for the public service of the Colony or for any Department thereof. In every such order there shall be specified the time within which the Company shall comply with the same, and the manner and extent of the remuneration which shall be paid to the Company for such work: Provided that such specified time shall in no case be less than six months from the date of the service of such order, and that such remuneration shall, in case of difference between the Government and the Company, be settled by arbitration as hereinafter provided. If the Company fails to comply with any such order, the Government may cause such line and appliances to be erected and provided and to be maintained, and to be connected with any works of the Company: and for the purposes of this section the Government shall have and may exercise all the powers vested in the Company by this Agreement or any Act of the Legislature.

6. The Government may affix to any poles of the Company or lay in any of the Company's underground conduits, but not so as to overload the capacity of such poles or conduits, wires for telegraphic or telephonic signal or fire alarm communication for use in the public service of the Colony, and shall have the right of access to such wires at all times for the purpose of repairing and maintaining the same. If any difference shall arise between the Government and the Company as to the use or the terms of payment for such use of the Company's equipment as is

contemplated by this section the same shall be settled by arbitration in manner hereinafter provided.

7. Upon the petition of not less than one hundred residents of any town or settlement within the Electoral Districts aforesaid (except in Bell Island), and after considering any representations made by the Company in answer thereto, the Government may, upon the advice of the Auditor General, if satisfied that such an extension will yield a reasonable profit to the Company on the capital to be expended thereon, by order require the Company to extend its system to such town or village so as to provide telephonic communication therewith: and if the Company makes default in complying with such order within the time specified therein (such time not to be less than one year in any case), it shall be liable to a penalty not exceeding fifty dollars in respect of every such default for every day during which such default continues.

8. Surrounding each of the telephone exchanges established by the Company there shall be an area hereinafter called an Exchange Area. The Exchange Area for the town of St. John's shall be comprised within a circle having a radius of three miles from the General Post Office in St. John's. In other towns and settlements the Exchange Area shall be defined from time to time by the Government. When and as soon as the works of the Company have been completed and are in operation as hereinbefore provided, the Company shall, within fourteen days after tender to it by any bona fide applicant residing in an Exchange Area of one half-year's telephone rental in advance accompanied by a written undertaking to pay a second half-year's rental at the expiration of a period of six months, furnish within the said Area to such applicant telephone service, and shall, in default of so doing, be liable to a penalty of not exceeding five dollars for every day after the expiration of the said fourteen days during which such default continues.

9. The Company shall not discriminate in any manner, whether in its tolls and charges or in its service or otherwise, between subscribers within the same Exchange Area, under a penalty not exceeding one hundred dollars for each offence. Provided that nothing herein shall be held to render it a breach hereof for the Company to contract to supply telephone service at a measured rate.

10. The Company shall maintain its works and operate the same in an efficient manner, so as to secure prompt and satisfactory telephonic communication between its subscribers at all times in St. John's and at all reasonable times elsewhere: and if there should be any interruption in such communication the Company shall without unnecessary delay employ all the means in its power to remove the cause of such interruption and restore such communication. If the Company shall neglect or refuse to comply with the provisions of this section after notice of such non-compliance, specifying the particular nature thereof, and such neglect or refusal shall continue for three days, it shall for every such default be liable on conviction to a penalty not exceeding fifty dollars, and to a further penalty not exceeding five dollars for every day after such conviction during which such default continues: Provided, however, that in no case shall any penalty be inflicted in respect to any such default if the Magistrate or Justice trying the case shall be of opinion that such default was caused by inevitable accident or other causes beyond the Company's control, or that it was of so slight and unimportant a character as not materially to affect the value of the service.

11. In the construction, maintenance and operation of its works the Company shall neither by act nor by omission endanger or interfere with the property or operation of other persons, firms or corporations employing electricity, nor shall any such other person, firm or corporation by act or omission endanger or interfere with the property or operations of the Company.

12. (a) Except as otherwise agreed between the Company and the subscriber all charges made or to be made by the Company for providing telephone communication or service shall be payable in advance, and, in the case of telephone rental, half-yearly or quarterly in advance at the option of the Company. The Company shall furnish to each subscriber indebted to it for non-prepaid long-distance or trunk-line tolls a statement of such tolls not later than the fifteenth day of the month succeeding that in which the indebtedness was incurred.
- (b) The charges aforesaid shall not, until the number of telephones operated by the Company in the St. John's Exchange exceed three thousand, be more than those specified in the Schedule to these presents, unless with the approval of the Government, and thereafter any increase in such charges shall be subject to the like approval.

13. If any person, firm or corporation supplied by the Company with any telephonic instrument or service, neglects to pay the rent or charge due and payable to the Company at any time when the same or any portion thereof shall become due, the Company, or any person acting under its authority, upon giving seven days' previous notice, may stop the said service by cutting off the service wires or conductors, or by such means as the Company or its duly authorised officer may see fit, and may recover the rent or charges or the rateable proportion thereof due, owing, payable or accruing up to such time in any competent Court, notwithstanding any contract to furnish service for a longer time. Any person, firm or corporation whose service has been stopped as aforesaid shall pay to the Company before the service may be resumed a reconnection fee of One dollar in addition to the service charges previously due and payable.

14. Any employee or agent of the Company may, at all reasonable times, and on production of his authority from the Company, enter any premises to which a telephone line has been supplied by the Company, and may inspect, test, remove or replace the lines, transmitter, receiver or other equipment, apparatus or fitting placed in or upon such premises and belonging to the Company: provided that the Company shall repair all damage caused by such entry, inspection, removing or replacing.

15. No telephone instrument or other property of the Company shall while on the premises of any person other than the Company be liable to be taken under any distress for the rent of such premises, nor under any execution or other process of law against any other than the Company.

16. If any person in the employ of the Company:

- (a) Wilfully and maliciously omits or delays to transmit or deliver any message received at a telephone call office; or
- (b) By any wilful or negligent act or omission delays the transmission of any such message; or
- (c) Improperly divulges to any person the purport of any such message,

he shall for every offence be liable to a penalty not exceeding fifty dollars.

17. No person, except with the permission in writing of the Company, shall connect or suffer to be connected directly or indirectly with any telephone work or works of the Company, any telephone lines, transmitter, receiver or other equipment, apparatus or fitting, which is not the property of or supplied by the Company, nor shall any person, except in cases of emergency, disconnect or suffer to be disconnected from any telephone lines or work or

works of the Company any telephone line, transmitter, receiver or other equipment, apparatus or fitting which is the property of or supplied by the Company, without first having obtained the consent of the Company to such disconnection: and in any case other than a case of emergency such connection or disconnection shall be made by or under the supervision of an employee of the Company: and if any person acts in contravention of this section he shall for each offence be liable to a penalty not exceeding twenty-five dollars, and the Company may in such case cease to supply telephonic communication to the premises of such person, and the Company may cut and disconnect or remove any telephone lines, transmitter, receiver or fitting which is the property of the Company from the premises of such person, notwithstanding any agreement or contract then or previously existing between the Company and such person, and without prejudice to any right or remedy for the protection of the Company.

18. No person shall without the authority of the Company break, molest, injure, or destroy any instrument, wire, fuse or fitting, post, line, material, equipment or property of or belonging to the Company; nor shall he in any way obstruct, disturb or impede the action, operation or working of any line or instrument of the Company, nor in any way interfere with any workmen or employees of the Company in the due execution of any duty authorised by the Company under the provisions of this Agreement. Any person who maliciously violates this section shall be liable to a penalty not exceeding forty dollars.

19. The Company shall pay to the St. John's Municipal Council one dollar per year for each main telephone located within the limits of the town of St. John's, such payment to be based on the number of main telephones so located on the thirty-first day of December in each and every year, and to be payable not later than the first day of the following May: and the Company shall also pay to the

Council at the same time the sum of three hundred dollars in lieu of the City Tax.

20. Such payments as aforesaid to the St. John's Municipal Council shall be in lieu of all Municipal taxation, special or otherwise, and shall exempt the Company from liability for the tax of four dollars per telephone imposed under the Telegraph Companies (Taxation) Act, 1905.

21. (a) The Government upon giving twelve months' notice shall have the right, at any time after the expiration of fifteen years from the date of these presents, to purchase the plant of the Company at the fair value of the property for the purpose of its use.

(b) If such right shall be exercised, the purchase price of the plant shall, in default of agreement between the Government and the Company, be determined by arbitration as hereinafter provided.

(c) In calculating the fair value of the plant as aforesaid the arbitrators shall estimate same without enhancement on account of future earning capacity and goodwill, or on account of the franchise by these presents granted.

22. Reference to arbitration under Sections three, five, six or twenty-one of these presents shall be to two arbitrators, one to be appointed by the Government and one by the Company: and, notwithstanding anything contained in section two hundred and ten of the Judicature Act, 1904, the provisions of Part VI of that Act shall apply to such arbitrators.

23. All penalties by these presents imposed may be recovered in a summary manner before a Stipendiary Magistrate or a Justice of the Peace.

24. All plant, machinery, implements, apparatus, tools, utensils and materials necessary for the original construction of the Company's works and extensions thereof shall be admitted into the Colony free of duty.

25. The Government agrees to introduce such legislation as may be necessary to give validity to any of the provisions of this agreement.

26. On or before the first day of January, A.D. 1920, the Company shall prove to the satisfaction of the Government Engineer that it is financially able to erect the telephone system mentioned in section two hereof, and unless the Government Engineer shall certify accordingly this Contract shall be and become null and void, unless on or before the said day the Governor-in-Council shall by order extend the time for so certifying, and upon the expiry of such extended time, unless the Government Engineer has so certified, the Contract shall be and become void.

SCHEDULE

Maximum Charges as provided by Section Twelve of this Agreement.

A. RENTALS.

For telephone within the area of a central telephone exchange:

Residence Telephone, per annum	\$30.00
Business Telephone do	40.00
Extension Telephone do	7.00

B. TOLLS FOR THE USE OF TRUNK LINES.

(1) For each conversation of five minutes or less, where the length of line does not exceed—

5 miles	.....	5 cents
10 “	.....	10 “
15 “	.....	15 “
20 “	.....	20 “
30 “	.....	25 “

and so on at the rate of five cents extra for each additional ten miles or part thereof.

(2) For each additional minute or part thereof beyond the first five, an additional charge not exceeding one-fifth of the charge for the first five.

C. TOLLS FOR THE USE OF PUBLIC PAY STATION TELEPHONES.

For not exceeding five minutes' conversation, where trunk line connection is not used, five cents: and one cent for each additional minute or fraction thereof.

Where trunk line connection is used, the regular tolls for use of trunk line shall be payable in addition to the local charge as above.

Where tolls under (B) or (C) are paid through the medium of an automatic toll-box or "coin in the slot" machine, no copper coins can be received, and tolls will be calculated to the next highest five cents.

IN WITNESS WHEREOF His Excellency the Governor in Council has caused the Great Seal of Newfoundland to be set hereunto, and has signed these presents, and the Company has caused these presents to be executed in accordance with its regulations:

By His Excellency's Command.

(Sgd.) JOHN R. BENNETT
Colonial Secretary

WITNESS to the signature of the Colonial Secretary,
(Sgd.) ARTHUR MEWS
Dep. Col. Sec.

(L.S.) The Common Seal of the Avalon Telephone
Company, Limited, was hereunto affixed in
presence of:

(Sgd.) J. J. MURPHY.

SCHEDULE B

Schedule B.
Agreement of
1922.

THIS INDENTURE made at Saint John's,
in the Island of Newfoundland,
this ninth day of December,
Anno Domini One thousand
nine hundred and twenty two
(L.S.) BETWEEN His Excellency SIR
(Sgd.) W. L. Allardyce WILLIAM LAMOND AL-
Governor. LARDYCE, K.C.M.G., Govern-
or of the Island of Newfound-
land and its Dependencies in
Council (hereinafter called "the
Government") of the one part,
(Sgd.) P. J. Summers AND THE AVALON TELE-
D.M.J. PHONE COMPANY, LIMIT-
ED, a company incorporated
under the laws of Newfound-
land (hereinafter called "the
Company") of the other part.

WHEREAS the Government has built certain tele-
phone lines extending from St. John's to Cape Spear and
branched to Petty Harbour and Maddox Cove, and from
St. John's to Cape St. Francis including Torbay, Flat-
rock, Pouch Cove, and Bauline, and from Portugal Cove
to St. Phillip's;

AND WHEREAS the said lines connect with and terminate in the central office of the Company at Saint John's;

AND WHEREAS it has been agreed that the Government shall transfer the said telephone lines to the Company upon the terms and conditions in this agreement hereinafter more particularly set forth NOW THEREFORE THIS INDENTURE WITNESSETH:

1. The Government hereby transfers to the Company the said telephone lines from the date of the execution of this indenture.

2. In consideration for the transfer by the Government to the Company of the said telephone lines, the Company covenants and agrees with the Government that the Company will maintain and operate the said telephone lines as efficiently as possible, and that the Company will make all necessary repairs to the said lines and renew and rebuild the said lines at least once in every ten years.

3. The Company shall put in a Pay Station in each of the settlements through which the said lines pass, and shall maintain and operate the said Stations at its own expense. The Company may collect tolls from all parties using the said Pay Stations at the regular rates for toll calls.

4. This agreement shall be in force and effect from the date of the execution of these presents until the termination of the agreement made between the Government and the Company on the 2nd day of September, A.D. 1919, under the provision of the Acts 9 and 10 George V, Chapter 6.

5. In the event of the Government taking over the said lines the price thereof shall be settled by arbitration as provided for in Section 21 of the Agreement between

the Government and the Company dated the 2nd day of September, A.D., 1919.

IN WITNESS WHEREOF His Excellency the Governor in Council has caused the Great Seal of Newfoundland to be set hereunto, and has signed these presents, and the Company has caused these presents to be executed in accordance with its regulations:

By His Excellency's Command,

(Sgd.) ARTHUR MEWS

Dy. Colonial Secretary.

WITNESS to the signature
of the Colonial Secretary.

(Sgd.) FRED M. STIRLING

The Common Seal of the Avalon
Telephone Company, Limited, was
hereunto affixed in presence of:

(L.S.)

(Sgd.) R. J. MURPHY

(Sgd.) J. D. CAMERON

SCHEDULE C

Schedule C.
Agreement of
1938.

AGREEMENT made this Nineteenth day of February, 1938, BETWEEN His Excellency Sir Humphrey Walwyn, K.C.S.I., C.B., D.S.O., Governor of the Island of Newfoundland and its Dependencies in Commission (hereinafter called "the Government") of (L.S.) (Sgd.) Humphrey Walwyn the first part, AND the St. John's Municipal Council (hereinafter called "the Council") (Sgd.) L. E. Emerson of the second part AND the H. M. Attorney General Avalon Telephone Company, Ltd., a body corporate registered under Companies' Acts, 1899 to 1908 (hereinafter called "the Company") of the third part; WITNESSETH as follows:—

WHEREAS an Agreement (hereinafter called "the principal Agreement") was entered into between the Government and the Company on the 2nd September, 1919, for the provision of a telephone service in certain parts of Newfoundland as specified in Clause 1 of that Agreement for a period of thirty years;

AND WHEREAS by the Act 15 Geo. V. (1925) Chapter 10, the Company was given authority to extend its system to certain other districts specified in the Act;

AND WHEREAS the Company, for reasons which are acceptable to the Government, has petitioned for an extension of the term of the franchise conferred by Clause 1 of the principal Agreement beyond the 1st September, 1949;

AND WHEREAS the St. John's Municipal Council, whose interests are affected in the principal Agreement, has represented that it should be a signatory party to any agreement modifying or extending the principal Agreement;

NOW THEREFORE THESE PRESENTS WITNESS
AND THE PARTIES AGREE AS FOLLOWS:—

1. The principal Agreement shall continue in full force and effect but shall be subject to the following modifications, amendments and additions:—

- (1) The term of the principal Agreement shall be extended to the 1st September, 1977, but if the Government shall not have given notice of the due expiry of the Agreement twelve months before that date the Agreement shall remain in full force and effect thereafter and shall be subject to twelve months' notice of cancellation by the Government on the 1st September in any subsequent year.
- (2) The exclusive right to supply to others metallic or ground circuit telephone service granted to the Company by Clause 1 of the principal Agreement shall not extend beyond September 1st, 1949, and the Government may after that date grant to others rights to supply similar service, but any such rights which may be granted shall not be on more favourable terms than those granted to the Company.
- (3) Clause 10 of the principal Agreement shall be read as if the following were added thereto:—

“In particular the exchange system in St. John's and the lines connecting subscribers thereto shall be maintained in such a state

of technical efficiency as shall guarantee a satisfactory service at all times and if, in the opinion of the Government, the quality of the service through technical deficiencies shall at any time fall below a satisfactory standard of efficiency and if, on this being represented to the Company, the latter is unable to or fails to remedy such defects or deficiencies within a reasonable period the Government may require the Company to submit its service to a technical examination by an independent expert and the Company shall be bound to carry out the requirements of the Government based upon the report of this expert. The appointment of an expert for this purpose shall rest with the Government and any expenses in connection with such examination shall be borne by the Company. Failure on the part of the Company to abide by the provisions of this Clause shall constitute a violation of this Agreement and the Government shall thereafter be free to cancel the franchise conferred by these presents."

- (4) Clause 19 of the principal Agreement shall be deemed to read as follows:—

"19. The Company shall pay to the St. John's Municipal Council one dollar per year for each main telephone located within the limits of the City of St. John's, such payment to be based on the number of main telephones so located on the thirty-first day of December in each and every year, and to be payable not later than the first day of the following May. This payment shall exempt the Company from liability for the tax of four

dollars per telephone imposed under the Telegraph (Taxation) Acts, 1905-1918.”

- (5) Clause 20 of the principal Agreement shall be deemed to read as follows:—

“20. In addition to the said payment to the St. John’s Municipal Council of one dollar for each main line telephone located within the City limits the Company shall pay to the Council, not later than the first day of May in each year, a sum of three hundred dollars in lieu of City tax for each year up to the period ending the 1st September, 1949, and these payments shall be in lieu of all municipal taxation special or otherwise. For the remaining period of the Agreement after the 2nd September, 1949, the Company shall cease to enjoy any special exemption from municipal taxation.

- (6) Clause 24 of the principal Agreement shall be deemed to read as if after the word “tools” there were inserted the words “except hand tools”.

2. (1) The Company shall in each year apply out of profits an adequate sum to cover depreciation of plant, equipment and buildings, such sum not to be less than the actual cost of replacements in the said year, or one and one-half per cent of the book value of the Company’s plant, equipment and buildings, including deferred assets, whichever is the greater: Provided that the Company shall not be required for the purposes of this clause to set aside in any one year a sum exceeding two per cent. of the said book value.

- (2) Over and above the provision to be made under the above sub-clause, the Company shall in each year set aside out of profits to reserve against the obsolescence of the Company's plant and equipment, an amount not less than one per cent. of the book value of the Company's plant, equipment and buildings, including deferred assets, less any amount that may out of profits be expended in that year on the redemption of the bonds of the Company.
 - (3) The book value and the deferred assets referred to in this clause shall be taken in any year as at 31st December of the preceding year.
 - (4) Should amounts exceeding those specified in sub-clauses (1) and (2) of this Clause be set aside in any year commencing with the year 1938, part or all of such excess may be credited towards the annual amount to be set aside in any future year or years.
 - (5) This Clause shall have effect as from 1st January, 1938.
3. The Company shall not pay in any year
- (a) more than \$16,544.50 in dividends, nor any dividends in stock, shares or otherwise so as to exceed the said sum of \$16,544.50, upon that part of its ordinary capital of the face value of \$236,350.00 already issued; nor,
 - (b) a dividend of more than seven per centum upon any stock or shares by whatever name called and whether heretofore or hereafter created which have been fully paid up in cash; nor,

- (c) any dividend whatever upon any shares of any class created or issued after the passing of the Act confirming this Agreement, which have been issued for any consideration other than actual full payment up in cash,

unless it shall first have set aside out of profits a sum equal to any dividends paid beyond the limits set forth in sub-clauses (a), (b) and (c) above in order that

- (i) such sum may be placed in a permanent reserve against obsolescence of the Company's plant, equipment and works; or
- (ii) such sum may be used in the next following financial year of the Company to produce a corresponding reduction in the rates charged to subscribers for telephone service.

The said sum shall be in addition to the sums required to be set apart under Clause 2 of this Agreement.

4. The Company shall not pay in any year by way of remuneration to its directors and general managers a sum exceeding in the aggregate that paid for the said purpose in the calendar year 1937 unless it shall first have complied with the provisions of Clause 2 of this Agreement and shall in addition have set aside out of profits a sum equal to any remuneration paid to directors and general managers over and above the amount so paid in the aggregate for 1937 in order that

- (a) such sum may be placed in a permanent reserve against obsolescence of the Company's plant, equipment and works; or

- (b) such sum may be used in the next following financial year of the Company to produce a corresponding reduction in the rates charged to subscribers for telephone service.

The said sum shall be in addition to the sums required to be set apart under Clause 2 of this Agreement.

5. The Company shall as soon as may be after the end of the financial year of the Company furnish to the Government annual statement of account showing the financial position of the Company which shall be certified by a public chartered accountant and shall have annexed thereto a certificate by the said accountant that all appropriations required by this Agreement have been duly made.

6. The Government will any time during the period of this Agreement consider on all its merits any proposal by the Company to extend its telephone service, whether by land lines or wireless, to other parts of Newfoundland in addition to those in which it has authority to operate under this Agreement, but the conditions under which any extension of service will be permitted will be a matter for agreement between the Government and the Company.

7. The Company will at any time during the period of this Agreement permit of inter-communication facilities between telephone exchanges on the Company's system and any telephone exchanges which the Government may at any time establish or acquire.

IN WITNESS WHEREOF His Excellency the Governor in Commission has caused the Great Seal of Newfoundland to be set hereto and has signed these presents, and the Mayor of St. John's has signed these presents, and has caused the Seal of the City to

be affixed hereto, AND the Company has caused the same to be executed in accordance with its regulations the day and year first above written.

By His Excellency's Command,

(Sgd.) J. A. WINTER,
Commissioner for Home Affairs and Education.

The Seal of the City of St. John's has been hereunto affixed and these presents have been executed by the Mayor of St. John's the day and year first above written. (Sgd.) Andrew Carnell Mayor (L.S.)

The Common Seal of the Avalon Telephone Company, Limited, is hereunto affixed in the presence of;— (Sgd.) R. J. Murphy (Sgd.) J. D. Cameron (L.S.)

SCHEDULE D

Schedule D.
Scale of
charges by
Company,
1926.

Increased rates permitted to be charged by the Company for telephone service as from December 15th, A.D., 1926. Fixed in pursuance of Clause 12 (b) of the principal Agreement.

Business Telephone	\$54.00
P.B.X. Trunk	54.00
P.B.X. Station	15.00
Business Extension	9.00
Residence, Private	39.00
Residence, 2 Party	30.00
Residence, 4 Party	24.00
Residence Extension	7.80

**AN ACT TO REGULATE THE CLOSING HOURS OF
BARBERS' AND HAIRDRESSERS' SHOPS**

[14th March, 1938]

SECTION	SECTION
1. Interpretation.	occupier using due dili- gence.
2.—Exemptions.	8.—Penalty contravention Section 5.
3.—Days on which shop to be closed.	9.—Penalty contravention Section 6.
4.—Hours during which shop to be closed.	10.—Extent of application.
5.—Sanitary accommodation.	11.—Short Title.
6.—Relief from duty.	12.—Date of coming into ef- fect.
7.—Penalty upon failure to close; proviso in favor	Schedule.

**Be it enacted by the Governor, by and with the advice of A.D. 1938.
the Commission of Government, as follows:**

1. In this Act and in the Schedule hereto— Interpretation.

- (1) “shop” shall apply to and include any build-
ing or portion of a building, booth, stall, vessel,
vehicle or place wherein the trade or business
of a barber or hairdresser is carried on.
- (2) “attend any customer” and “attendance on
customers” shall include the doing of any
work or service incident to the trade of a bar-
ber or hairdresser including, without limiting
the generality of the foregoing, haircutting,
shaving, manicuring, hairtreatment, shampoo,
massage and the sale of cosmetics, toilet arti-
cles or barber’s or hairdresser’s goods in any
shop equipped as a barber’s or hairdresser’s
shop.
- (3) “whole holiday” shall mean any day which is
included in the following days, namely: New
Year’s Day, Good Friday, St. Patrick’s Day,
St. George’s Day, Empire Day, the King’s
Birthday, July 1st, November 11th, Christmas

Day, Boxing Day (December 26th), January 2nd when New Year's Day falls on a Sunday, December 27th when Christmas Day falls on a Saturday or Sunday, the days appointed as Labour Day and Regatta Day, and, in addition to the foregoing days, any day proclaimed by His Excellency the Governor as a general whole holiday; Provided however that any day which is proclaimed by His Excellency the Governor as a whole holiday in substitution for any of the foregoing days shall be deemed a whole holiday in substitution for such day.

- (4) "half holiday" shall mean any day proclaimed as a general half holiday by His Excellency the Governor.
- (5) "ladies' hairdressing establishment" shall mean any building or portion of a building, booth, stall, vessel, vehicle or place wherein are carried on the trades of haircutting, hairdressing, manicuring, shampooing, facial treatments and the sale of cosmetics for and to women and children only.

Exemptions.

2. Nothing in this Act contained shall be construed

- (a) as applying to a ladies' hairdressing establishment as in this Act defined;
- (b) as preventing a barber or hairdresser from attending a customer in the customer's residence at any hour on any day.

Days on which
shop to be
closed.

3. Every shop to which this Act applies shall be closed for attendance on customers on Sundays and whole holidays.

4. Every shop to which this Act applies shall be closed for attendance on customers upon the days named and described in the first column of the Schedule hereto numbered 1 to 6 save in respect of the said days between the hours set forth in the second column of the said Schedule numbered 1 to 6 which list of hours shall apply to the said list of days number for number respectively.

Hours during
which shop to
be closed.

5. (1) Every shop to which this Act applies shall be provided with sufficient and suitable sanitary conveniences, regard being had to the number of persons employed in or in attendance at the shop, and, where persons of both sexes are, or are intended to be, employed or in attendance, proper separate accommodation shall be provided for persons of each sex.

Sanitary
accommodation

(2) The Commissioner for Public Health and Welfare shall by special order determine what is sufficient and suitable accommodation within the meaning of this section.

6. (1) No person employed in or in connection with any shop to which this Act applies shall be kept on duty for a period exceeding five consecutive hours.

Relief from
duty.

(2) Any person employed in or in connection with any such shop, who has been on duty for a period of five consecutive hours, or for five hours in the aggregate, on one day, shall be relieved from duty for a period of one hour.

(3) In calculating the said period of relief from duty, any time allowed for meals or any other absence from duty, shall be counted as part of the period of relief from duty.

Penalty upon
failure to close;
proviso in
favor occupier
using due
diligence.

7. If any shop to which this Act applies shall not be closed as required by this Act, or if any person shall attend any customer therein at any time when such shop is required by this Act to be closed, the occupier of the shop and any person who shall attend a customer therein as aforesaid shall each be guilty of an offence against this Act and shall be liable on summary conviction to the following penalties:

- (1) For the first offence, a fine not exceeding ten dollars, and in default of payment to imprisonment for a period not exceeding seven days.
- (2) For the second offence a fine not exceeding twenty dollars, and in default of payment to imprisonment for a period not exceeding fourteen days.
- (3) For any subsequent offence a fine not exceeding one hundred dollars, or imprisonment for a period not exceeding thirty days.

Provided that where the occupier of a shop is charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, he proves to the satisfaction of the court that he has used due diligence to enforce the execution of the Act, and that the said other person has committed the offence in question without his knowledge, consent, or connivance, the said other person shall be liable to summary conviction for such offence, and the occupier shall be exempt from any fine.

Penalty contra-
vention Sec. 5.

8. If the proprietor or manager of any shop to which this Act applies shall fail to comply with the provisions of Section 5 hereof, he shall be liable on summary conviction

tion to a fine not exceeding ten dollars and in default of payment to imprisonment for a period not exceeding seven days, and he shall further be liable on summary conviction if the provisions of the said section are not thereupon complied with to a fine not exceeding ten dollars for every day during which he continues in default.

9. If the proprietor or manager of any shop to which this Act applies shall fail to comply with the provisions of Section 6 hereof he shall be liable upon summary conviction to the following penalties: Penalty contravention Sec. 6.

- (1) For the first offence, a fine not exceeding ten dollars, and in default of payment to imprisonment for a period not exceeding seven days.
- (2) For the second offence a fine not exceeding twenty dollars, and in default of payment to imprisonment for a period not exceeding fourteen days.
- (3) For any subsequent offence a fine not exceeding one hundred dollars, or imprisonment for a period not exceeding thirty days.

10. This Act shall apply within the municipality of St. John's and within one mile outside the limits of the said municipality. Extent of application.

11. This Act may be cited as the Shop (Barbers' and Hairdressers') Closing Hour Act, St. John's. Short Title.

12. This Act shall come into force as from midnight on the 15th day of March, A.D. 1938. Date of coming into effect.

Schedule.

SCHEDULE

HOURS OF BUSINESS FOR BARBERS' AND
HAIRDRESSERS' SHOPS

1. The eve of a whole holiday, such eve not being a Sunday or whole holiday.	1. 8.30 a.m. to 8.30 p.m.
2. Saturday in any week not being a whole holiday	2. 8.30 a.m. to 10.30 p.m.
3. Wednesday in any week excepting the period from the second Monday in December up to and including the 24th day of December in each year and excepting any week in which there is a whole holiday.	3. 8.30 a.m. to 1.30 p.m.
4. Every day within the period from the second Monday in December to the 24th day of December inclusive in each year (Sundays excepted).	4. 8.30 a.m. to 10.30 p.m.
5. Every half-holiday.	5. 8.30 a.m. to 1.30 p.m.
6. Every day not enumerated under headings 1 to 5 in this column and not being a Sunday or whole holiday.	6. 8.30 a.m. to 7.30 p.m.

AN ACT TO PROVIDE FOR THE TAKING OF CERTAIN JURY LISTS IN THE YEAR 1938.

[9th March, 1938]

SECTION

- 1.—Jury lists for 1938.
- 2.—Revision of jury lists.
- 3.—Jury lists outside St.

SECTION

John's need not be taken in 1938 otherwise than under this Act.

WHEREAS jury lists have not been taken save in St. John's for the present year;

AND WHEREAS it is necessary to make special provision for the taking of such lists in places outside St. John's where the Supreme Court on Circuit may be held;

Be it therefore enacted by the Governor, by and with the advice of the Commission of Government, as follows:

1. Notwithstanding anything in Section 63 of the Jury Lists Judicature Act contained to the contrary lists of jurors shall be taken in the year 1938 under the said Act in such places outside St. John's as the Commissioner for Justice may from time to time direct.

2. The said lists shall be revised in accordance with the said Act within ten days commencing on the last date fixed for the taking of said lists, and such revision shall be carried on on alternate days during the said period of ten days, and notice of such revision shall be given in accordance with the said Act.

3. Notwithstanding anything in the said Act it shall not be necessary to take lists otherwise than under this Act in places outside St. John's during the year 1938.

Jury lists outside St. John's need not be taken in 1938 otherwise than under this Act.

AN ACT TO AMEND AND CONSOLIDATE THE LAW
RELATING TO THE CUSTOMS AND EXCISE.

[26 March, 1938]

SECTION

- 1.—Interpretation and construction.
 - (1) Alcoholic liquor.
 - (2) Coasting trade.
 - (3) Coastwise.
 - (4) Collector.
 - (5) Duty or duties.
 - (6) Exporter.
 - (7) Foreign port.
 - (8) Foreign postal article.
 - (9) Goods.
 - (10) Importer.
 - (11) Master.
 - (12) Newfoundland.
 - (13) Oath.
 - (14) Officer of Customs.
 - (15) Owner, importer or exporter includes agents.
 - (16) Port.
 - (17) Port of entry.
 - (18) Postal article.
 - (19) Prescribed.
 - (20) Shall be forfeited, etc.
 - (21) Sufferance warehouse.
 - (22) Territorial waters.
 - (23) Value.
 - (24) Vehicle.
 - (25) Vessel.
 - (26) Warehouse.
- 2.—(1) Board of Customs.
 - (2) Officers.
 - (3) Quorum.
- 3.—(1) Board to be subject to Commissioner for Finance.

SECTION

- (2) Powers and duties of Board.
- (3) Disposition of revenue.
- 4.—Appointment of officers; surrender of commissions, etc., on termination of office.
- 5.—Presumption as to power of officers to act, etc., and as to places.
- 6.—Oath of officers.
- 7.—Personation of officers.
- 8.—Manner of signature by Board.
- 9.—Hours of attendance.
- 10.—Failure to provide accommodation for officers; penalty.
- 11.—Prohibition of importation in vessels unregistered or under 15 tons.
- 12.—Ports of entry.
- 13.—Vessels under 200 tons entering place other than port of entry; penalty.
- 14.—Vessel 200 tons or over entering place other than port of entry; penalty.
- 15.—Goods imported at place not port of entry or carried past Customs; penalty.
- 16.—(1) Appointment of boarding stations and places for unloading.
 - (2) Accommodation for officers, weighing

SECTION

- appliances, etc., to be provided.
- 17.—Vessel to come promptly to proper place; penalty in default.
- 18.—Time of importation, exportation or departure; how fixed.
- 19.—(1) Report inwards.
(2) List of ship's stores and crew's effects.
(3) Master to make affidavit and answer questions.
- 20.—Master to produce registry and bills of lading.
- 21.—Opening of package where contents unknown to master.
- 22.—Goods not reported may be detained.
- 23.—Fish, coin or bullion may be landed before report.
- 24.—Landing of live stock or perishables before report.
- 25.—Goods to be entered at port of entry at which they are to be landed.
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*Be it enacted by the Governor, by and with the advice of A.D. 1938.
the Commission of Government, as follows:*

1. In this Act and in any other Act relating to the Interpretation Customs and in any regulations made under such Acts, ^{and} _{construction.} unless the context otherwise requires—

- (1) "alcoholic liquor" means alcohol and any ^{alcoholic} _{liquor.} alcoholic spirituous, vinous, fermented or malt liquor, or combination of liquors, and all

drinks or potable liquids and consumable solids, patented or not, containing three per cent and upwards of alcohol by volume.

- Coasting trade. (2) "coasting trade" shall be deemed to apply with reference to any vessel proceeding from any port or place in Newfoundland to any other port or place in Newfoundland whether such vessel shall have cargo on board or be proceeding in ballast, and whether the master of such vessel shall or shall not hold a coasting licence.
- Coastwise. (3) "coastwise" shall be deemed to apply with reference to any vessel which has arrived at a port of entry in Newfoundland from a foreign port and which shall proceed from a port of entry in Newfoundland to any other port of entry in Newfoundland.
- Collector. (4) "collector" means the Collector of Customs at a port of entry or any officer of Customs properly deputed by him.
- Duty or duties. (5) "duty" or "duties" includes duties, special duties, and all other taxes payable on the importation or exportation of goods, and excise duties.
- Exporter. (6) "exporter" shall mean, include, and apply to any owner or other person for the time being possessed of or beneficially interested in any goods entered for exportation.
- Foreign port. (7) "foreign port" means a port or place out of Newfoundland and persons and vessels arriving in Newfoundland from the high seas shall be

deemed to be persons and vessels arriving from a foreign port.

- (8) "foreign postal article" means a postal article, either posted in Newfoundland and to be sent to a place outside Newfoundland or posted in a place outside Newfoundland and to be sent to a place in Newfoundland. Foreign postal article.
- (9) "goods" means goods, wares, merchandise, and moveable effects of any kind, and includes vessels, vehicles, aircraft and animals. Goods.
- (10) "importer" shall mean, include, and apply to any owner or other person for the time being possessed of or beneficially interested in any goods at and from the time of the importation thereof until the same are duly delivered out of the charge of the officers of Customs. Importer.
- (11) "master" means the person having command or charge of any vessel. Master.
- (12) "Newfoundland" means the Island of Newfoundland and the islands adjacent thereto, and Labrador and the islands adjacent thereto. Newfoundland.
- (13) "oath" includes affirmation. Oath.
- (14) "officer of Customs" means any person appointed under the authority of Section 4 of this Act and shall include any person acting in aid of such person. Officer of Customs.
- (15) "owner," "importer," or "exporter" includes persons lawfully acting on their behalf. Owner, importer or exporter includes agents.

- Port. (16) "port" means a place where vessels may discharge or load cargo.
- Port of entry. (17) "port of entry" means a place, whether on the sea coast or in the interior or on a frontier, appointed by the Commissioner for Finance as a place where vessels or vehicles, including aircraft, may report and enter inwards or outwards.
- Postal article. (18) "postal article" means a letter, post card, reply card, letter card, commercial paper, printed paper, letter packet, small packet, sample packet, parcel, and every packet or article transmissible by post, and includes a telegram when transmitted by post.
- Prescribed. (19) "prescribed" means prescribed by the Board of Customs for use in the case indicated in the context.
- Shall be forfeited, etc. (20) "shall be forfeited" or any other expression which might of itself imply that some act subsequent to the commission of the offence is necessary to work the forfeiture, shall not be construed as rendering any such subsequent act necessary, but the forfeiture shall accrue at the time of and by the commission of the offence in respect of which the forfeiture is imposed.
- Sufferance warehouse. (21) "sufferance warehouse" means a secure place approved by the Board of Customs, in which goods imported may be lodged, kept or secured without entry and without payment of duty.
- Territorial waters. (22) "territorial waters of Newfoundland" means the waters forming part of the territory of

Newfoundland; and in respect of any vessel registered in Newfoundland or of any unregistered vessel owned by a person resident or domiciled in Newfoundland shall also include that part of the sea which is adjacent to and extends nine nautical miles beyond the waters forming part of the territory of Newfoundland.

- (23) "value" in respect to any penalty or forfeiture imposed by this Act and based upon the value of any goods, means the duty-paid value of such goods at the time of the commission of the offence by which such penalty or forfeiture is incurred. **Value.**
- (24) "vehicle" means any cart, car, waggon, carriage, barrow, sleigh or other conveyance of what kind soever, whether drawn or propelled by machinery, by animals, or by hand or other power, and includes the harness or tackle of such animals, and the fittings, furnishings and appurtenances of the vehicle. **Vehicle.**
- (25) "vessel" means any ship, vessel or boat of any kind whatsoever, and includes aircraft where the context so admits. **Vessel.**
- (26) "warehouse" means a secure place approved by the Board of Customs in which goods imported may be lodged, kept or secured without payment of duty. **Warehouse.**
2. (1) There shall be a Board of Customs, which shall consist of such qualified officers of Customs as the Governor in Commission from time to time appoints. **Board of Customs.**

Officers.

- (2) The Governor in Commission shall appoint a Chairman and Secretary from the members of the Board.

Quorum.

- (3) Two members of the Board, of whom one member shall be either the Chairman or the Secretary, or the officer for the time being acting as Chairman or Secretary, shall form a quorum and be competent to transact the business of the Board at any meeting thereof.

Board to be
subject to
Commissioner
for Finance.

3. (1) The Board of Customs so appointed shall, in all matters and things relating to the execution of their duties, be subject to the authority, direction and control of the Commissioner for Finance, and shall obey such orders and instructions as shall from time to time be issued to them by the Commissioner for Finance.

Powers and
duties of
Board.

- (2) All duties of Customs and Excise or other duties, rates, and charges and all drawbacks and allowances now or hereafter imposed and allowed or which may hereafter be imposed or allowed by law, shall be under the management of the Board of Customs.

Disposition of
revenue.

- (3) All revenue collected by the Board of Customs shall be paid into the Consolidated Revenue Fund of Newfoundland.

Appointment
of officers;
surrender of
commissions,
etc., on
termination of
office.

4. The Commissioner for Finance may, subject to the approval of the Governor in Commission, appoint proper persons for the management and collection of the Customs and Excise, and the performance of all duties connected therewith, under the control and direction of the Board of Customs; and any person so appointed and holding a deputation or commission shall deliver up the same to the Board

of Customs, or otherwise account for the same to their reasonable satisfaction, within one week after he shall cease to hold such office or employment, and in default thereof such person shall on summary conviction be liable to a fine not exceeding ten dollars, and to a further fine not exceeding one dollar for every day thereafter during which he shall continue in default.

5. Every person employed on any duty or service relating to the Customs and Excise, by the orders or with the concurrence of the Commissioner for Finance whether previously or subsequently expressed, shall be deemed to be the proper officer for that duty or service; and every act required by law at any time to be done by or with any particular officer nominated for such purpose, if done by or with any person appointed by the Commissioner for Finance to act for such particular officer shall be deemed to be done by or with such particular officer; and every act required by law to be done at any particular place within any port, if done at any place within such port appointed by the Board of Customs for such purpose, shall be deemed to be done at the particular place so required by law.

Presumption as to power of officers to act, etc., and as to places.

6. Every person who shall be appointed to any permanent office or employment in the Customs under the control and direction of the Board of Customs shall, on his admission thereto, if required by them, take the following oath:—

Oath of officers.

“I, A.B., do swear that I will be true and faithful in the execution, to the best of my knowledge and power, of the trust committed to my charge by my appointment as and that I will not require, take, or receive any fee, perquisite, gratuity, reward or emolument, whether pecuniary or of any other sort of description whatever, either directly or indirectly, for any service

act, duty, matter or thing done or performed in the execution or discharge of any of the duties of my said office or employment on any account whatsoever, other than my salary, or what shall be allowed me by law or by order of the Governor in Commission. So help me God."

Personation
of officers.

7. If any person not being an officer takes or assumes the name, designation or character of an officer of Customs for the purpose of obtaining thereby admission into any house or other place, or of doing or procuring to be done any act which he would not be entitled to do or procure to be done of his own authority, or for any other unlawful purpose, he shall be guilty of a misdemeanor, and shall in addition to any other punishment to which he may be liable for the offence, be liable on summary conviction to be imprisoned with or without hard labour for any term not exceeding three months.

Manner of
signature by
Board.

8. Every order, document or instrument required by law to be under the hands of the Board of Customs, being attested by the signature of the Secretary or a member of the Board, and every order, document or instrument required by any law to be under the hands or under the hands and seals of the Board of Customs, being attested by the hand and seal of the Secretary or of a member of the Board, shall be deemed to be an order, document, or instrument under the hands, or under the hands and seals, as the case may be, of the Board of Customs.

Hours of
attendance.

9. The Commissioner for Finance may, by order under his hand, from time to time appoint the hours of general attendance of the officers of Customs, and of other persons in the Customs service, at their proper offices and places of employment; and the Board of Customs may appoint the times during such hours at which any particular parts of the duties of any such officers and other persons shall be performed, and may recover from any person requiring the attendance of any officer of Customs outside the ap-

pointed hours such charges for attendance as the Board may from time to time fix.

10. If any master or owner or other person for the Failure to time being in charge of any vessel on which any officer of provide Customs is stationed shall refuse to supply for such officer accommodation suitable board, maintenance and accommodation, he shall for officers; penalty. be liable to a penalty not exceeding one hundred dollars.

11. No person, unless he is authorized by the Board of Prohibition of Customs, shall import any goods from any port or place importation in out of Newfoundland in any vessel which has not been vessels duly registered and has not a certificate of such registry under 15 tons. on board, nor in any vessel of less than fifteen tons net registered tonnage.

12. The Commissioner for Finance may, with the Ports of entry. consent of the Governor in Commission, by order under his hand, from time to time appoint ports of entry and declare the limits thereof for the purposes of this Act, and may in like manner increase or diminish the number or alter the position or limits thereof.

13. If any vessel enters any place other than a port Vessels under of entry, unless from stress of weather or other unavoidable cause, any dutiable goods on board thereof except those 200 tons entering place of an innocent owner shall be forfeited, and the vessel, if other than port of entry; penalty. of not more than two hundred tons net registered tonnage, shall be forfeited, and the master thereof shall be liable to a penalty not exceeding four hundred dollars.

14. If any vessel of more than two hundred tons net Vessel 200 tons registered tonnage enters any place other than a port or over entry, unless from stress of weather or other unavoidable other than port cause, any dutiable goods on board thereof except those of of entry; penalty. an innocent owner shall be forfeited, and the master thereof shall be liable to a penalty not exceeding eight hundred dollars; and the vessel may be detained until such penalty is paid; and unless payment is made within thirty

days, such vessel may, after the expiration of such delay, be sold to pay such penalty, and any expenses incurred in making the seizure and in the safe keeping and sale of such vessel.

Goods
imported at
place not port
of entry or
carried past
Customs;
penalty.

15. If any goods are imported into Newfoundland at any other place than at a port of entry, or are carried past any Custom House, such goods shall be forfeited, and every person concerned in such unlawful importation or carrying past shall be liable to a penalty not exceeding treble the value of such goods.

Appointment of
boarding
stations and
places for
unlading.

16. (1) The Board of Customs may from time to time appoint stations or places for vessels arriving at or departing from any port or place to bring to for the boarding or landing of officers of Customs, and may also appoint wharves or places within the limits of ports to be approved wharves or places for the landing of passengers and the lading or unlading of goods, in such cases, under such restrictions, and in such manner as they shall see fit; and may also direct at what particular part or parts of any harbour, dock, wharf, quay or other place in any such port vessels laden with any particular cargo shall moor or discharge such cargo, and the collector at any port may station officers on board any ship while within the limits of such port.

Accommoda-
tion for officers,
weighing
appliances, etc.,
to be provided.

(2) The Board of Customs may require any railway or shipping company or the owner or occupier of any aerodrome, quay, warehouse or sufferance warehouse, or place where goods liable to duties of Excise are produced, manufactured or stored, to provide such accommodation for officers of Customs and the examination of goods, including the baggage of passengers, and such weighing and measuring appliances as they in any of such cases may approve.

17. If any vessel on arrival at any port or place in Newfoundland shall not come as quickly up to the proper place of mooring or unlading as the nature of the port or place will admit without touching at any other place, and in proceeding to such proper place shall not bring to at the station appointed by the Board of Customs for the boarding of vessels, or if after arrival at such place such ship shall remove therefrom except with the permission of an officer of Customs directly to some other proper place of mooring or unlading, the person having charge of such vessel, whether master or pilot, shall be liable to a penalty not exceeding one hundred dollars.

Vessel to come promptly to proper place; penalty in default.

18. Whenever it becomes necessary for any purpose under this Act or any Act relating to the revenue to determine the precise time of the importation or exportation of any goods, or of the arrival or departure of any vessel, such importation shall be deemed to have been completed from the time the vessel in which such goods were imported came within the limits of the port at which they ought to be reported; and the exportation of any goods shall be deemed to have been commenced from the time of the legal shipment of such goods for exportation, after due entry outwards, in any vessel, or from the time the goods were carried beyond the limits of Newfoundland, and the time of the arrival of any vessel shall be deemed to be the time at which the report of such vessel was, is or ought to have been made, and the time of the departure of any vessel to be the time of the last clearance of such vessel on the voyage on which she departed.

Time of importation, exportation or departure; how fixed.

19. (1) The master of every vessel coming from any foreign port, or coastwise, and entering any port in Newfoundland, whether laden or in ballast, shall go without delay to the Custom House for the port of entry where he arrives, and there make a report in writing to the collector or other officer of Customs on the prescribed form, of the arrival and voyage

Report inwards.

of such vessel, stating her name, country and tonnage, the port of registry, the name of the master, the country of the owners, the number of the crew, and whether the vessel is laden or in ballast, and if laden, the particulars of any goods stowed loose, the marks and numbers of every package and parcel of goods on board, and the description of the goods contained therein, and where the same were laden, and where and to whom consigned, and where any, and what goods, if any, have been laden or unladen, or bulk has been broken during the voyage, and what part of the cargo is intended to be landed at that port, and what part of the cargo, if any, is to be landed at any other port in Newfoundland, and what part of the cargo, if any, is intended to be exported in the same vessel.

List of ship's stores and crew's effects.

- (2) At the time of making report of the vessel as required by sub-section (1) of this section, the master shall deliver to the collector or other proper officer a list signed by the master, on the prescribed form, of the ship's stores on board such vessel and also a declaration on the prescribed form signed by each member of the crew and countersigned by the master showing the quantity of dutiable goods in the possession of the master and each member of the crew. Such list and declaration shall be deemed to be part of the report of the vessel made under sub-section (1) of this section.

Master to make affidavit and answer questions.

- (3) The master shall make and subscribe an affidavit referring to his report and declaring that all the statements made in the report are true; and shall further answer all such questions concerning the vessel, cargo, crew and voyage

as are put to him by an officer of Customs at any time, and shall, if required, make the substance of any such answer part of his report.

20. The master shall, at the time of making his report, if required by the collector or officer of Customs, produce to him the certificate of registry of his vessel and the bills of lading of the cargo or true copies thereof. Master to produce registry and bills of lading.

21. If the contents of any package intended for exportation in the same vessel shall be reported by the master as being unknown to him, the officers of Customs may open and examine such package on board such vessel, or bring the same to any warehouse for that purpose; and if there be found therein any goods which are prohibited to be imported, such goods shall be forfeited, unless the Board of Customs shall permit them to be exported. Opening of package where contents unknown to master.

22. All goods not reported found on board any vessel or landed may be detained by any officer of Customs until the omission has been explained to the satisfaction of the Board of Customs, who may thereupon allow the amendment of the report. Goods not reported may be detained.

23. Fresh fish of British catch, coin or bullion may be landed without report or entry provided they are duly reported and entered as soon as possible after being landed, and that the landing is in the presence of an officer of Customs. Fish, coin or bullion may be landed before report.

24. If a vessel which has live stock or perishable articles on board arrives when the Custom House is closed, the collector at the port may, subject to such conditions as the Board of Customs may prescribe, permit the master to unlade the same before report and report shall in such case be made as soon as possible after the next opening of the Custom House. Landing of live stock or perishables before report.

Goods to be entered at port of entry at which they are to be landed.

25. If any goods are brought in any vessel from any place out of Newfoundland to any port of entry therein, and not landed, but it is intended to convey such goods to some other port in Newfoundland in the same vessel, there to be landed, the duty shall not be paid or the entry completed at the first port, but at the port where the goods are to be landed, and to which they shall be conveyed accordingly under such regulations, and with such security or precautions for compliance with the requirements of this Act as the Board of Customs may from time to time direct.

Goods unladen before report; default of report, etc.; penalty.

26. If any goods are unladen from any vessel or vehicle or put out of the custody of the master or person in charge of the same before report is made as required by Section 19 of this Act, or if such master or person fails to make such report, or to produce such goods, or makes an untrue report or does not truly answer the questions put to him as provided in Section 19 of this Act he shall for each such offence be liable to a penalty not exceeding four hundred dollars; and if any such goods are not so reported and produced, or if the marks and numbers or other description of any package do not agree with the report made, such goods or package shall be forfeited and the vessel or vehicle and the animals drawing the same shall be detained until such amount is paid; and unless payment is made within thirty days, such vessel or vehicle and any animals drawing the same may, after the expiration of such delay, be sold to pay such penalty.

Return of passengers.

27. The master of every vessel coming from any foreign port shall at the time of making report as required by Section 19 of this Act deliver to the collector a return in the prescribed form giving particulars of the passengers carried by the vessel and if such master fails to make such return or makes an untrue return he shall be liable to a penalty not exceeding two hundred dollars.

28. If any goods whereof the importation into Newfoundland or the exportation from Newfoundland is prohibited by or under any statute are imported or exported or brought to any quay or other place to be shipped or unshipped or are water-borne to be so imported or exported, they shall be forfeited and the importer or the owner, shipper or consignor of goods exported or to be exported shall be liable to a penalty not exceeding five hundred dollars or treble the value of the goods whichever is the greater.

29. Except as provided for in Section 33 of this Act every importer of goods shall, within three days after such importation, make due entry inwards of such goods and land the same, provided always that this section shall not apply to passengers' baggage, which shall be dealt with under the provisions of Section 134 of this Act.

30. All goods liable to duty found on board any vessel registered in Newfoundland which form part of the equipment of such vessel and for which no entry has been made in accordance with this Act, and all goods unladen or landed from any vessel or delivered from any sufferance warehouse before due entry thereof has been made and permit for landing or delivery has been granted, shall be forfeited, and every person concerned in harbouring or landing or delivering or receiving such goods shall for each offence be liable to a penalty not exceeding four hundred dollars or treble the value of the goods whichever is the greater.

31. No goods shall be unshipped, landed or put on shore from any vessel, or be conveyed into Newfoundland by any vehicle on Sundays or legal holidays except by special permission of the Board of Customs; nor shall they be unshipped, landed, put on shore from any vessel or conveyed into Newfoundland by any vehicle on any other days except between such hours as may be appointed by the Board of Customs; nor shall any goods be unshipped or landed at any time unless in the presence or with the authority of the proper officer of Customs, nor shall they be so

landed except at some wharf or other place duly appointed by the Board of Customs for the landing or unshipping of goods.

Wrecked goods,
landing of. 32. Goods in any stranded or wrecked vessel may be landed without report or entry provided they are duly reported and entered as soon as possible after landing.

Sufferance
warehouse. 33. (1) The Board of Customs may approve any warehouses, wharves and other places to be used as sufferance warehouses at which goods arriving in Newfoundland may be landed and stored before entry thereof, and may specify the class or classes of goods which may be deposited in such sufferance warehouses, wharves or places, or any of them. Goods so deposited therein shall be deemed to be on board the importing vessel or vehicle and shall be subject to the same regulations, penalties and forfeitures as if they had not been taken thereout.

Report and
permit for
landing. (2) Such goods shall be duly reported to the collector before being landed, and the collector's permit for such landing obtained.

Removal from
sufferance
warehouse. (3) Goods landed into a sufferance warehouse shall not be removed from such sufferance warehouse unless entered for re-warehousing in an approved warehouse or for exportation in the same or another vessel, or for transshipment to another port of entry, or for delivery for home consumption on payment of the full duties payable on such goods.

Entry to be
made within 8
days. (4) Entry of such goods shall be made and any duty thereon paid or otherwise provided for, and the goods removed, within eight days after the report thereof has been made, and if within

the said eight days such entry be not made, or such duty paid or provided for, or if the goods be not removed, the collector may cause the said goods to be conveyed to and stored in a place appointed for that purpose.

- (5) If proper entry be not made, or if the duty be not paid or provided for, or where the goods have been removed under the provisions of sub-section (4) of this section, or if the costs of removal be not paid before the expiration of one month from the day when such goods were reported the collector shall cause the goods to be sold at public auction and from the proceeds thereof shall pay first the duty, warehouse rent, and removal charges, and secondly the freight charges due to the carrier of the goods, and the surplus, if any, shall be paid to the owner of the goods. Sale of goods not entered or removed.
- (6) Warehouse rent may be charged on goods removed from a sufferance warehouse to another place as provided in sub-section (4) of this section and such rent and the costs of removal shall constitute a lien on such goods. Rent on goods removed.
- (7) Nothing done under this section shall affect any contract, expressed or implied, between any carrier and the owner, shipper or consignee of any goods, or the rights or liabilities of any person under such contract, or any contract of insurance. Saving of rights of third parties.
- (8) The carrier shall have the same lien on the goods removed under sub-section (4) of this section for freight or other charges as if the same had not been deposited in the sufferance warehouse or subsequently removed. Lien of carrier not affected.

Accommodation to be provided for officers.

- (9) The proprietor of any premises for which approval is requested as a sufferance warehouse shall provide such accommodation for officers of Customs, with furnishing, heating, lighting and decoration, as the Board of Customs may require, and shall maintain such accommodation in a satisfactory condition, and if such person fails to maintain such accommodation in a satisfactory condition the approval of the sufferance warehouse may be withdrawn.

Proprietor to give bonds.

- (10) The proprietor of any premises for which approval is requested as a sufferance warehouse shall give bond with such penalty in such form and with such sureties as the Board of Customs may prescribe for the payment of the full duties chargeable on any goods deposited in such sufferance warehouse, or for the due exportation thereof.

Entry for home use.

34. The importer of any goods liable to duties of Customs and intended to be delivered for home use on the landing thereof from the importing vessel shall make perfect entry of such goods before unshipment thereof by delivering to the collector an entry thereof in duplicate in such form as the Board of Customs may direct and containing the several particulars required thereby, and shall immediately pay the full duties which may be payable on such goods to the collector appointed to receive the same, and the said collector may thereupon grant his permit for the landing of the goods.

Free goods, entry of.

35. The importer of any goods not subject to Customs duty shall make perfect entry of such goods before unshipment thereof by delivering to the collector an entry thereof in duplicate in such form as the Board of Customs may direct and containing the several particulars required thereby, and the said collector may thereupon grant his permit for the landing of the goods.

36. The importer of any goods intended to be warehoused without payment of duty on the first entry thereof shall deliver to the collector an entry for such goods in duplicate in such form as the Board of Customs may direct and containing the several particulars required thereby, and the said collector may thereupon grant his permit for the landing and warehousing of the goods.

Entry for
warehouse.

37. Upon the entry of any goods the importer shall deliver such further copies of the entry thereof as the collector may require.

Copies of entry
to be furnished.

38. On delivering to the collector a transhipment entry in triplicate in such form and containing such particulars as the Board of Customs may prescribe, the importer of any goods may land the same and may under such conditions and in such manner and within such time as the Board of Customs may prescribe remove such goods to another vessel at the same or another port of entry there to be entered for exportation in accordance with Section 149 of this Act.

Transhipment
for exportation.

39. On delivering to the collector a transhipment entry in triplicate in such form and containing such particulars as the Board of Customs may prescribe the importer of any goods may land the same and may under such conditions and in such manner and within such time as the Board of Customs may prescribe remove such goods to another port of entry there to be entered within the time prescribed by Section 41 of this Act for warehousing or home use in accordance with this Act.

Transhipment
for entry
inwards.

40. (1) If the importer of any goods removed under the provisions of Sections 38 and 39 of this Act fails to comply with the conditions prescribed or to deliver the goods to the collector at the port of entry to which the goods have been entered for transhipment he shall be liable to a penalty not exceeding four hundred dollars or

Delivery of
goods at port of
transhipment;
penalty in
default; lien.

treble the value of the goods whichever is the greater and the goods shall be forfeited: Provided also that where goods are not produced to the officer of Customs at the port of entry for which they have been entered any goods afterwards exported or imported by the said importer shall be subject to a lien for any penalties incurred under this Act for the non-production of such goods and also for the full duties of Customs payable thereon.

Bond for
delivery.

- (2) The importer may be required by the collector to give bond for compliance with the conditions prescribed with such penalty in such form and with such sureties as the Board of Customs may direct.

Warehousing of
unentered
goods.

41. (1) If any goods are not entered within the time prescribed by this Act the collector may cause the goods to be conveyed to a warehouse, or to some secure place appointed by him for such purpose, there to be kept at the risk and charge of the owner.

Sale of goods
not entered.

- (2) If any goods are not duly entered within one month from the date on which the report of the vessel by which they were imported into Newfoundland was made as required by Section 19 of this Act, and all charges and warehouse rent duly paid at the time of such entry, the goods shall be sold by public auction and the proceeds thereof shall be applied, first to the payment of duties and charges, and secondly to payment of charges for transportation, and the surplus, if any, shall be paid to the owner of the goods: Provided always, that if the same cannot be sold for a sum sufficient to pay the duties and charges if offered for sale for home consump-

tion or the charges if offered for sale for exportation, such goods shall not be sold but shall be destroyed or otherwise disposed of as the Board of Customs may direct.

42. (1) If the importer of any goods makes and subscribes a declaration before the collector that he cannot, for want of full invoice, make perfect entry thereof, and takes the oath provided on a Bill of Sight, giving as far as possible the particulars and description of the goods as required by such Bill of Sight, then the collector may cause such goods to be landed and to be seen and examined by such importer at his expense, in the presence of an officer of Customs, and to be delivered to such importer on his depositing with the collector a sum of money sufficient in the judgment of the collector to pay the duties thereon, and undertaking to make perfect entry of such goods within such time as the collector may prescribe. Bill of Sight.
- (2) If the importer does not complete a perfect entry within the time appointed by the collector the moneys so deposited shall be taken and held on account of duty accruing on such goods and shall be dealt with and accounted for accordingly: Provided that in all cases where such goods are purchased or imported on consignment for sale an invoice thereof as provided in Section 43 hereof shall be produced within the said time appointed by the collector. Default of perfecting entry.
- (3) Any importer failing so to produce such invoice shall be liable to a penalty equal to the amount deposited with the collector. Penalty for non-production of invoice.

43. With every entry of goods delivered under this Act there shall be produced and delivered to and left Invoice.

with the collector an invoice of the goods, in such form and giving such particulars as the Board of Customs may by regulations prescribe.

Attestation of invoice.

44. Any invoice produced and delivered to a collector shall, if required by the collector, be attested by the oath of the manufacturer or producer of such goods.

Further evidence as to nature of goods.

45. The collector may require from the consignor or from the importer or from his agent or from the consignee or his agent of any goods charged with duty, or exempt from duty or conditionally exempt therefrom, before admitting the said goods to entry, such further proof as he deems necessary, by oath or declaration, production of invoices or bills of lading or certificates of origin or otherwise, that such goods are properly described, valued and rated for duty, or come properly within the meaning of such exemptions.

Proof by joint owners.

46. If there be more than one owner, importer or consignee of any goods, any one of them cognizant of the facts may take any oath or make any declaration required by this Act.

Entries and oaths by executors, administrators, trustees, etc.

47. If the importer of any goods is dead or insolvent, or if for any cause his personal estate is being administered by another person, his executor, administrator or assignee, or the person administering as aforesaid, may, if cognizant of the facts, take any oath and make any entry which such owner, importer or consignee might otherwise have taken or made.

Oath by agent, how to be supported.

48. (1) No person other than the importer of the goods of which entry is to be made shall be allowed to take any oath connected with the entry unless there is attached to the entry therein referred to a declaration by the importer of the said goods, to the same effect as the oath, distinctly referring to the invoice presented

with such entry and signed by such importer, whose signature shall be attested by some person other than the agent making the entry.

- (2) Any partner in or attorney and agent of any Entry and partnership or association of persons may, ^{oaths on behalf} under the name and style usually taken by such ^{of partnerships,} etc. association or partnership, make any entry or execute any bond or other instrument required by this Act, any Act relating to the revenue or by any regulation made under such Acts, without mentioning the name or names of any of the members or of the other members of the partnership or association, and such entry, bond or instrument shall bind them as fully and effectually and shall have the same effect in all respects as if the name of every such member or partner had been therein mentioned and he had signed the same, and, if it is a bond or other instrument under seal, as if he had thereunto affixed his seal and had delivered the same as his act and deed, and the seal thereunto affixed shall be held to be the seal of each and every such member or partner, as aforesaid; and the provisions of this section shall apply to any instrument by which any partnership or association of persons appoint an attorney or agent to act for them under this Act or the said Acts or regulations.
- (3) The person who under this section makes any ^{Manner of} entry or executes any bond or instrument ^{on execution by} behalf of any partnership or association ^{attorney.} shall, under the name and style usually taken by them, write his own name with the word "by" or the words "by their attorney", or words to the like effect thereunto prefixed.

Manner of execution on behalf of corporation.

- (4) Any document or instrument required under this Act or any Act relating to the revenue or any regulations made under such Acts may be executed on behalf of any company or other body incorporated under any statute by any director or equivalent officer or by the secretary or by an attorney and agent thereto generally or specially authorised in writing under the seal of the company or body corporate and such execution shall bind the company or body corporate anything in the constitution of the company or body corporate notwithstanding.

Agent to produce written authority.

- (5) Whenever any person makes application to an officer of Customs to transact any business on behalf of any other person, such officer may require the applicant to deliver a written authority from the person on whose behalf the application is made, and in default of the production of such authority may refuse to transact such business; and such applicant shall, until his authority is cancelled, and the Board of Customs is notified thereof, be deemed to be the agent of the person by whom he was appointed for the purposes of such business; and any act or thing done or performed by such agent in relation to such business shall be binding upon the person by or on behalf of whom the same is done or performed.

Persons may be required to act personally and not by agent.

49. The Board of Customs may as to any specific case or in the case of any specific person or as to any class of cases by order under their hand require that all or any documents, instruments, oaths or declarations to be signed, taken or made which under this Act or any Act relating to the revenue or regulations made under such Acts may ordinarily be signed, taken or made by an agent or attor-

ney be signed, taken or made by the owner, consignee, importer, exporter, consignor or manufacturer in person.

50. Any person concerned with the importation of goods into Newfoundland shall upon request furnish to the Board of Customs, in such form as they may require, such information as is, in their opinion, necessary for a proper valuation of the goods, and produce any books of account or other documents of whatever nature relating to the purchase, importation, or sale of the goods by that person. If any person contravenes or fails to comply with the provisions of this section he shall in respect of each offence be liable to a penalty not exceeding one thousand dollars.

Further information regarding goods, production of goods and documents; penalty.

51. If any entry delivered at any Custom House is false in any particular, all the packages and goods included or pretended to be included or which ought to have been included in such entry, shall be forfeited.

False entries; goods to be forfeited.

52. Every importer of goods into Newfoundland, and every person acting before the Department of Customs on his behalf, and every person who assists or is otherwise concerned in the importing, who presents or causes to be presented with intent to make entry thereunder or furnishes or delivers on his own behalf or on behalf of another to any person for the purpose of presentation any invoice not giving, or not truly giving, all information required by this Act or by regulations made under this Act to be given, or any wilfully false or fraudulent invoice, shall be liable to a penalty not exceeding one thousand dollars or treble the value of the goods whichever is the greater, or to imprisonment for a period not exceeding one year, or to both fine and imprisonment.

False entry; penalty.

53. Any person who, in any case where an oath is authorised or required to be administered under this Act or any Act relating to the revenue or any regulations made under such Acts shall knowingly, wilfully and cor-

False oath; penalty.

ruptly swear to any statement false in whole or in part or which omits any matter, which by the provisions of such Acts or the regulations is required to be included in such statement shall :—

- (a) be liable on summary conviction to a penalty not exceeding two thousand dollars or in default of payment to imprisonment for a period not exceeding one year;
- (b) be liable on indictment to the proceedings and punishment applicable in cases of wilful and corrupt perjury.

False
declarations
and documents,
counterfeiting
and using false
documents;
penalty.

54. If any person shall in any matter relating to the Customs or under the control or management of the Board of Customs, make and subscribe, or cause to be made and subscribed, any false declaration, or make or sign any declaration, certificate, or other instrument required to be verified by signature only, the same being false in any particular, or if any person shall make or sign any declaration made for the consideration of the Board of Customs on any application presented to them, the same being untrue in any particular, or if any person shall counterfeit, falsify, or wilfully use when counterfeited or falsified, any document required by this Act or any Act relating to the revenue or regulations made under such Acts or by or under the direction of the Board of Customs, or any instrument used in the transaction of any business or matter relating to the Customs or Excise, or shall alter any such document or instrument after the same has been officially issued, or counterfeit the seal, signature, initials, or other mark of or used by any officer of Customs for the verification of any such document or instrument, or for the security of goods, or any other purpose in the conduct or business relating to the Customs or Excise or under the control or management of the Board of Customs or their officers, every person so offending shall for every such

offence be liable to a penalty not exceeding two thousand dollars, or in default of payment to imprisonment for a period not exceeding one year, and the court may, if it thinks fit, in lieu of ordering the offender to pay the penalty, order him to be imprisoned for a period not exceeding one year.

55. Any person who without lawful excuse, the proof of which shall be on the person accused, sends or brings into Newfoundland, or who, being in Newfoundland, has in his possession any bill-heading or other paper appearing to be a heading or blank, capable of being filled up and used as an invoice and bearing any certificate purporting to show or which may be used to show that the invoice which may be made from such bill-heading or blank is correct or authentic shall be liable to a penalty not exceeding two thousand dollars, and in default of payment to imprisonment for a period not exceeding one year, and the goods entered under any invoice made from any such bill-heading or blank shall be forfeited.

Bringing in or possessing false billheads or blanks; penalty; forfeiture.

56. Any package of which the importer or his agent declares the contents to be unknown to him may be examined by an officer of Customs in the presence of such importer or agent, and the importer shall bear the expense of opening, unpacking, repacking and all costs including carriage.

Opening of packages where contents unknown.

57. The collector or other officer of Customs may cause all or any of the packages enumerated in any entry to be opened and examined and if necessary to be sent to any place appointed for further examination.

Package may be opened.

58. The unshipping, landing and carrying of all goods, including passengers' baggage, and bringing them to the proper place for examination and the provision of weighing and measuring appliances and the weighing, measuring, opening, unpacking, repacking, bulking, sorting, lotting, marking and numbering, where such opera-

Expenses of examination to be borne by importer.

tions respectively are necessary or permitted, and removing to and placing them in a proper place of deposit until duly delivered, shall be performed by or at the expense of the importer.

False weighing
or measuring
instruments or
other deceits;
penalty;
forfeiture.

59. If any person—

- (a) being a person who is required by virtue of this or any other Act to provide or to keep scales, weighing or measuring machines or instruments, weights or measures, provides, uses, or permits to be used any false, unjust or insufficient scales, weighing or measuring machines or instruments, weights or measures, or practices any device or contrivance by which any officer of Customs may be prevented from, or hindered or deceived in taking a just or true account or making a due examination; or
- (b) being a person by whom or on whose behalf articles are weighed or measured for the purpose of any account taken or to be taken, or of any examination made or to be made by any officer of Customs, practises, either before, during or after the weighing or measuring, any device or contrivance by which any such officer may be prevented from, or hindered or deceived in taking a just and true account or making a due examination,

he shall for each offence be liable to a penalty not exceeding one thousand dollars, or in default of payment to imprisonment for a period not exceeding one year, and any false, unjust, or insufficient scales, weighing or measuring machines or instruments, weights or measures, and any articles in respect of or in connection with which the offence was committed, shall be forfeited

60. An officer of Customs may on the entry inwards or outwards of any goods or at any time afterwards, take, without making any payment therefor, samples of such goods for examination, or for ascertaining the duties payable on such goods, or for such other purposes as the Board of Customs shall deem necessary or expedient, and such samples shall be disposed of and accounted for in such manner as the said Board may direct.

61. All the packages mentioned in any one entry notwithstanding that some of such packages have been delivered to the importer, or some one on his behalf, shall be subject to the control of the Customs until such of the packages as have been sent to the place appointed for examination have been duly opened and the contents examined and released from the control of Customs; and the packages so delivered shall not be opened or unpacked before the goods contained in the package or packages sent to the place appointed have been examined and passed as aforesaid: Provided always that such packages may be opened and unpacked by the importer upon the expiration of five days after the goods selected for examination have been actually delivered at the place appointed.

62. Any person who shall open or unpack any package contrary to the provisions of Section 61 of this Act shall be liable to a penalty not exceeding the value of the contents of the package so opened or unpacked or in the alternative the goods which were contained in such package may be seized and forfeited.

63. Any goods delivered without examination shall, if required by the collector of the port at which they are entered, be returned to the Customs within ten days of delivery.

64. Any person failing or refusing to return to the Customs any package containing goods upon requisition of a collector in accordance with Section 63 of this Act shall

be liable to a penalty not exceeding the value of the goods contained in such package, or in default of evidence as to the value of such goods to a penalty not exceeding two hundred dollars.

Removal of
goods without
permission;
penalty.

65. If any goods are removed from any place under the control of the Customs without the permission of an officer of Customs given on the prescribed form, the goods shall be forfeited, and every person concerned in such unlawful removal shall be liable to a penalty not exceeding the value of such goods.

Goods
concealed in
package or
mis-described;
forfeiture;
penalty.

66. If any person shall import, or cause to be imported, goods of one denomination concealed in packages of goods of any other denomination, or any package containing goods not corresponding with the entry and invoice thereof, or shall directly or indirectly import or cause to be imported or entered any package of goods as of one denomination which shall afterwards be discovered, either before or after the delivery thereof, to contain other goods or goods subject to a higher rate or other amount of duty than those of the denomination by which such package or the goods in such package were entered, such package and the goods therein shall be forfeited, and such person shall be liable for every such offence to a penalty not exceeding four hundred dollars, or treble the value of the goods contained in such package, whichever is the greater.

Warehousing
ports and
warehouses.

67. The Commissioner for Finance may constitute any port a warehousing port for the purposes of this Act; and the Board of Customs may by order under their hand appoint from time to time at such ports such warehouses as shall be approved by them for warehousing and securing of goods therein, and may also in such order declare what sort of goods may be warehoused generally or in any particular warehouse.

Government
warehouses.

68. The Board of Customs may have such warehouses as they deem necessary to meet the requirements of trade, and may admit to and keep therein such goods as they see

fit, and may fix the amount of rent and storage charges which shall be payable in respect of any goods deposited or secured therein. Such goods shall not be delivered from warehouse until rent and all other storage charges have been paid.

69. (1) If the Board of Customs shall for any cause at any time revoke an order approving a warehouse, the duties on all the warehoused goods therein shall be paid or the goods shall be exported or removed to another approved warehouse within such time, not less than thirty days, as the Board of Customs shall direct. Notice in writing of the revocation or of the directions of the Board of Customs, addressed to the proprietor or occupier of the warehouse and left thereat, shall be deemed to be notice to all persons interested in the goods.

Withdrawal of
warehouse
approval;
removal of
goods there-
from.

(2) If any goods shall not be duly cleared or removed in conformity with this section, such goods shall be liable to removal to another Customs warehouse or to be dealt with in the same manner as is provided in Section 41 of this Act in the case of goods for which no entry has been passed.

Disposition of
goods not
cleared.

70. The importer of any goods may warehouse the same in a warehouse appointed under this Act without payment of any duty on the first entry thereof.

Goods may be
warehoused
without
payment of
duty.

71. (1) Upon the entry of any goods to be warehoused, the importer of such goods shall, save in the cases provided in sub-section (3) of this section, give bond in such form and with such penalty and with such sureties as the Board of Customs may prescribe, with condition for the safe depositing of such goods in the warehouse mentioned in such entry, and for the pay-

Bond on
warehousing of
goods.

ment of all duties payable upon such goods, or for the exportation thereof, according to the first account taken of such goods upon the landing of the same.

Fresh bond on
change of
ownership.

- (2) If any goods warehoused, for which bond has been given by the importer, are sold or disposed of, so that the person who shall have given bond shall be no longer interested in or have any control over the same, the collector shall require fresh security to be given by bond with sureties to the satisfaction of the Board of Customs by the new owner or other person having control over such goods, and thereupon shall cancel the original bond or exonerate the person who shall have given such original bond to the extent of the fresh security given.

General bond.

- (3) The Board of Customs may accept from the proprietor of any warehouse a bond in such form, with such penalty and with such sureties as they may prescribe for securing the duties payable on all goods deposited in such warehouse, and in any such case a bond from the importer under sub-section (1) of this section shall not be required unless the Board of Customs shall otherwise direct.

Account of
goods
warehoused.

72. Upon the entry and landing of any goods to be warehoused the proper officer of Customs shall take a particular account of the same and shall cause each package to be marked in such manner as the Board of Customs may prescribe, and shall enter the account together with the name of the owner of the goods in a register to be kept for that purpose; and no goods which have been so warehoused shall be taken or delivered from the warehouse except upon due entry and in the presence of and with the authority of the proper officer of Customs, for removal to another ware-

house; or for exportation, or, upon payment of duty, for home use; and before the whole of the goods warehoused under any entry shall be delivered from the warehouse, an account shall be made out of the quantity upon which duties have been paid or which have been removed to another warehouse or exported, as the case may be, deducting from the whole the quantity contained in any original package, if any, which may have been abandoned to the Crown, and if upon such account there shall appear to be any deficiency from the original quantity the duty payable upon the amount of such deficiency shall then be paid.

73. If after any goods shall be duly entered and landed to be warehoused though not actually deposited in the warehouse, the importer shall further duly enter the same, or any part thereof, for home use or exportation, the same may be taken for home use or exportation as the case may be. Entry out of warehouse.

74. Goods entered to be warehoused or to be re-warehoused shall be carried into the warehouse in the presence and with the authority of the proper officer of Customs and in such manner, within such time and by such means of conveyance as such officer shall direct. Goods to be warehoused in presence of officer.

75. All goods warehoused shall be stowed in such parts or divisions of the warehouse and in such manner as an officer of Customs shall direct; and the warehouse shall be locked and secured in such manner, and shall be opened and visited only at such times, and in the presence of such officers, and under such conditions, as the Board of Customs shall direct. Stowage of goods, securing of warehouse.

76. The Board of Customs may, under such conditions as they shall see fit, permit samples to be taken from goods deposited in an approved warehouse, provided that on delivery from such warehouse for home use duty shall be paid on the quantity and value of such goods as warehous- Sampling in warehouse.

ed without allowance or deduction and that on delivery from such warehouse for exportation, duty shall be paid on any samples taken which have not been returned to the original package.

Transfer of
warehoused
goods.

77. Goods warehoused shall be transferable from party to party on a transfer note, in the prescribed form, signed by the parties. Such transfer or sale shall be of whole packages only and the party being the recorded owner of such goods for the time being shall be deemed to be the importer thereof for the purposes of this Act or any Act relating to the revenue. On receipt of notice of such transfer note the proper officer of Customs shall record the name of the new owner of the goods in the warehouse register.

Sorting,
re-packing, etc.,
of warehoused
goods.

78. The Board of Customs may under such conditions as they may from time to time impose, permit an importer, in the warehouse, to sort, separate, pack, and repack any goods, and to make such alteration therein as may be necessary for the preservation, sale, shipment or disposal thereof: Provided that such goods be repacked in the packages in which they were imported, or in such other packages as the Board of Customs shall permit; and may also permit any goods to be taken out of the warehouse without payment of duty for the purpose of being repaired or trimmed, or for such other purpose as to the Board of Customs may appear expedient, and in such quantities and under such regulations and restrictions, and with such security by bond for the return thereof or the payment of the duties payable thereon as the Board of Customs may require and provided that the goods taken out of the warehouse for such purpose shall not be deemed to be goods duly cleared and delivered.

Abandonment
of warehoused
goods.

79. The Board of Customs may permit an importer to abandon to the Crown any original package or packages of warehoused goods, without payment of duty on the same; and the same may then be sold or otherwise

disposed of as the Board of Customs may direct and the proceeds shall be deposited to the credit of the Consolidated Revenue Fund.

80. No compensation shall be made by the Board of Customs to the owner of any goods, by reason of any damage occurring thereto in any warehouse unless caused by their wilful act or default.

Damage in warehouse; compensation.

81. (1) All warehoused goods shall be finally cleared either for exportation or home consumption, within two years from the date of the first entry for warehousing thereof, or within such further time in any special case as the Board of Customs may prescribe.

Clearance of warehoused goods.

(2) If goods deposited in any warehouse established under Section 68 of this Act are in the opinion of the Board of Customs deteriorating so that it is likely that they may become so lessened in value as to be insufficient to meet the amount of rent and storage charges the recorded owner may be required to clear the same forthwith.

Goods deteriorating.

(3) If the goods are not so cleared they may be sold for the payment, first of the duties, and secondly of the warehouse rent, storage and other charges; and the surplus, if any, shall be paid to the owner or his agent.

Sale of goods not cleared.

82. (1) The owner of goods warehoused shall prior to delivery of such goods for home use deliver to the collector an entry in duplicate in the form prescribed by the Board of Customs and pay the full duties which may be payable on such goods, and the collector may issue his permit for the delivery of the goods.

Entry out of warehouse for home use.

Rate of duty
on goods taken
out of
warehouse.

- (2) The duty to be paid on goods deposited in an approved warehouse is hereby declared to be chargeable at the rate in force at the date on which the entry of the goods for home use is delivered to the collector.

Duty; how
calculated.

83. Duties shall be payable in all cases on the quantity and value of goods in the warehouse, as ascertained on the first entry and warehousing thereof: Provided that under such conditions as the Board of Customs may direct an allowance not exceeding two per cent. per annum may be made for deficiencies in liquids arising from evaporation or other natural causes.

Goods may be
delivered to
recorded owner.

84. No liability for wrongful delivery shall attach to the Board of Customs in respect of warehoused goods delivered to the person for the time being recorded in the warehouse register as owner.

Removal and
re-warehousing.

85. (1) Any goods warehoused at any port in Newfoundland may be removed to any other port of entry therein, and be re-warehoused at such port, or be removed from any warehouse in any port to any other warehouse in the same port, on the delivery to the collector by the person requiring such removal of an entry in such form as the Board of Customs may prescribe and the collector may thereupon grant his permit for the removal of the goods.

Bond on
removal.

(2) The person requiring such removal shall enter into bond in such form and with such sureties as the Board of Customs may direct in a sum not less than the duty chargeable on such goods for the due arrival and re-warehousing thereof within such time as the collector may direct and such bond shall not be discharged until such goods shall have been produced to the proper officer, and duly re-warehoused or enter-

ed for duty within the time allowed for such removal, or shall have been otherwise accounted for to the satisfaction of the Board of Customs, nor until the full duties payable on any deficiency of such goods not accounted for shall have been paid.

- (3) If upon the arrival of goods so removed as aforesaid at the port of destination the owner shall be desirous forthwith to export the same, or to pay duty thereon for home use, without actually lodging the same in the warehouse for which they have been entered to be re-warehoused, the collector at such port may permit the same to be entered and delivered for home use upon payment of the duties thereon, or, after all the formalities of entering and examining such goods for re-warehousing have been duly performed, to be entered and shipped for exportation as if such goods had been actually lodged in such warehouse; and all goods so exported, or on which the duties have been so paid shall be deemed to have been duly cleared from the warehouse.
- Entry for home use or export of goods removed for re-warehousing.

86. On delivery of any goods from a warehouse for removal to another warehouse, an account containing the particulars thereof shall be transmitted by the proper officer at the warehouse of removal to the proper officer at the warehouse of destination.

Account to be transmitted to warehouse of destination.

87. Upon the arrival of such goods at the port or place of destination, the goods shall be warehoused in the same manner, and subject to the same laws, rules and regulations, as far as the same can be made applicable, as are required on the entry for warehousing of goods on the first importation or manufacture thereof.

Re-warehousing at destination.

Warehousing of
dried fish
prohibited.

88. It shall not be lawful for any importer of dried fish to warehouse the same in Newfoundland.

Irregular
dealings with
warehoused
goods; penalty.

89. If any goods which have been entered to be warehoused shall not be duly carried into and deposited in the warehouse, or shall afterwards be taken out of the warehouse without due entry and permit for delivery, or having been entered and delivered for exportation from the warehouse, shall not be duly carried and shipped, or shall afterwards be relanded, except with the permission of the proper officer of Customs, the said goods shall be forfeited.

Concealment or
unlawful
removal of
warehoused
goods; penalty.

90. If any warehoused goods are concealed in or unlawfully removed from any warehouse or abstracted from any package or transferred from one package to another or otherwise dealt with for the purpose of concealment or illegal removal, such goods shall be forfeited; and every person who contravenes the provisions of this section or aids or abets the contravention thereof shall be liable to a penalty not exceeding four hundred dollars or treble the value of the goods, whichever is the greater; and on the discovery of such concealment or removal all goods belonging to the importer or owner of the concealed or removed goods then remaining in the same or any other warehouse, may be placed under detention until the duties payable on the goods so concealed or removed, and all penalties incurred by him have been paid; and if such duties and penalties are not paid within thirty days after demand made therefor, the goods so detained may be sold by public auction and the proceeds thereof shall be applied to the payment of duties, penalties and expenses, and the surplus, if any, shall be paid to the owner of the goods or his agent.

Goods taken
out of
warehouse
upon irregular
entry or
permit;
forfeiture.

91. Any goods taken or delivered out of any warehouse by virtue of any entry or permit not fully and truly describing the goods shall be deemed to be goods taken without due entry thereof and shall be forfeited.

92. Any person who by any contrivance opens any warehouse in which goods are deposited or gains access to any such goods except in the presence of or with the express permission of the proper officer of Customs acting in the execution of his duty shall for every such offence be liable to a penalty not exceeding four hundred dollars, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment.

93. Any person who by any contrivance gains access to goods in a railway car or in any other conveyance or place, upon which goods the Customs duties have not been paid, or delivers such goods without the permission of the proper officer of Customs acting in the execution of his duty, shall for every offence be liable to a penalty not exceeding four hundred dollars.

94. Any person who wilfully alters, defaces, or obliterates any mark or breaks any seal placed by an officer of Customs on any package of goods, shall for every such offence, be liable to a penalty not exceeding four hundred dollars.

95. (1) All duties payable to His Majesty under the Acts relating to the Revenue from time to time in force shall from and after the time when such duties should have been paid or accounted for constitute a debt due and payable to His Majesty, and such debt may be recovered at any time with full costs of suit in any court of competent jurisdiction in the case of import or export duties from the importer or exporter of the goods as the case may be and from the owner of the goods jointly and severally and in the case of duties of excise from the person liable to pay such duties.

(2) Any goods imported or exported by any person shall be subject to a lien in respect of any duties.

duties, whether on the same or any other goods, due and owing by such person to His Majesty, and may be withheld from delivery until such duty is paid.

Burden of proof.

- (3) The burden of proof that the proper duties payable in respect of any goods have been paid, and that all the requirements of this Act with regard to the entry of any goods have been complied with and fulfilled, shall in all cases lie upon the person whose duty it was to comply with and fulfill the same.

Rate of duty chargeable at time of entry.

96. Notwithstanding anything to the contrary in Section 18 of this Act or in any other Acts relating to the revenue, the rate of duty on imported goods entered for home use is hereby declared to be the rate of duty chargeable on such goods at the time at which the entry of the goods is presented to and accepted by the proper officer of Customs: Provided that any officer of Customs may refuse to accept any entry of imported goods until the report of the vessel importing such goods has been made in accordance with Section 19 of this Act.

Refund of duty overpaid.

97. (1) The Board of Customs is hereby authorized
- (a) to return any money which shall have been overpaid as duties of Customs or Excise at any time within six years of such overpayment on its being proved to their satisfaction that the same was overpaid in error, but no such return shall be allowed unless the claim for the same shall have been made and established within such period of six years;

Authority to pay drawback.

- (b) to pay drawback in accordance with this Act or any other act relating to the revenue for the time being in force subject to such

regulations as the Commissioner for Finance may prescribe.

- (2) All sums payable under the authority of this section shall be paid out of the gross Customs revenue deposited to the credit of the Consolidated Revenue Fund and no vote for such payments shall be required.
- Refunds and drawbacks payable out of Consolidated Revenue Fund.

98. Whenever duties are imposed according to any specific quantity, the same shall be deemed to apply in the same proportion to any greater or less quantity.

Duties on fractions of specified quantities.

99. Whenever duties are charged upon goods according to weight, gauge or measure, such weight, gauge or measure shall be ascertained in such manner as the Board of Customs may prescribe.

Quantities, how ascertained.

100. On each and every non-enumerated article which resembles any article which is enumerated in the tariff as being chargeable with duty, the same rate of duty shall be payable which is charged on the enumerated article which in the opinion of the Board of Customs it most resembles.

Non-enumerated articles, duty on.

101. On all articles manufactured from two or more materials, if there be a difference of duty by reason of the material, duty may, if the Board of Customs so directs, be charged as if the article were made entirely of the material in respect of which the highest duty is chargeable.

Duties on articles made of two or more materials.

102. If any article is enumerated in the tariff under two or more names or descriptions, and there is a difference of duty, the highest duty provided shall be charged thereon.

Duty on articles coming within two or more descriptions.

103. (1) The standards or instruments by which the colours and grades of sugar or the alcoholic content of beer, spirits, wine or any preparation

Classification of sugar and ascertainment of alcoholic content.

tion containing alcohol are ascertained shall be determined by the Board of Customs.

- (2) The decision of the Board of Customs as to the class to which any sugar belongs, and the duties to which it is subject shall be final.

Derelict,
flotsam, jetsam
or wreck,
duties on.

104. Goods derelict, flotsam, jetsam or wreck, or land-
ed or saved from any vessel wrecked, stranded or lost,
brought or coming into Newfoundland, shall be subject to
the same duties and regulations as goods of the like kind
imported.

Derelict, etc.,
notice to officer
of Customs;
penalty.

105. Every person who has in his possession any
goods derelict, flotsam, jetsam or wreck liable to duty
and who does not give notice thereof to the nearest
officer of Customs without unnecessary delay, or does not on
demand pay the duties thereon or deliver the same to the
proper officer of Customs shall be liable to a penalty not
exceeding two hundred dollars in addition to all other lia-
bilities and penalties incurred by him, and the goods shall
be forfeited; and every person who removes or alters in
quantity or quality any such goods, or unnecessarily opens
or alters any package thereof, or abets any such act, before
the goods are deposited in the custody of the proper
officer of Customs, shall, in addition to all other liabilities
and penalties incurred by him, be liable to a penalty not
exceeding two hundred dollars.

Sale of derelict,
etc., if duty not
paid.

106. If the duties on goods referred to in the next
preceding section are not paid within twelve months from
the time when the goods were delivered to the proper offi-
cer, as therein mentioned, such goods may be dealt with
in the same manner as is provided under Section 41 of this
Act in the case of goods for which no entry has been passed.

Board of
Customs may
declare rate of
duty in case of

107. Whenever in any particular case any difference
arises as to whether any or what rate of duty is payable on
any class of goods, the Board of Customs may declare the

rate of duty payable on the class of goods in question, or that such goods are exempt from duty, subject in each case to an appeal by the importer to the Governor in Commission; and any such declaration made by Order in Commission upon appeal shall be final, but such declaration shall not apply to any goods upon which the full duties of Customs have been paid and which have been delivered from Customs custody.

doubt. Appeal to Governor in Commission.

108. (1) All invoices of goods shall be made out in the currency of the country whence the goods are imported. Invoices, in what currency made out.
- (2) In computing the value for duty of such goods the said currency shall be converted into Newfoundland currency at such rate of exchange, if any, as has been ordered and published from time to time by the Board of Customs, which is hereby empowered to make such orders. Conversion of currencies into Newfoundland currency.
- (3) Whenever the rate of exchange of the currency of any country has not been ordered and published and there is no fixed standard value or if the value of such currency has depreciated or appreciated, there shall be attached to the invoice the certificate of a British consul resident in such country, or the certificate of a bank in such country, showing the extent of such depreciation or appreciation or the true value at the time of the exportation of the goods of the currency in which such invoice is made out as compared with the standard dollar in Newfoundland: Provided that the collector may in his discretion accept instead of the certificate of a bank in such country the certificate of a bank in Newfoundland setting forth the rate of exchange current at the time when and place whence the goods were exported to Newfoundland. Fixing of rate of exchange in certain cases.

Current domestic value shall be value for duty.

109. (1) Whenever any duty ad valorem is imposed on any goods imported into Newfoundland, the value for duty except as otherwise provided herein shall be the current domestic value thereof in the principal markets of the country whence and at the time when the same were exported directly to Newfoundland, but such value shall not include any excise or internal revenue duty payable on such goods in the country from which they were exported.

Definition of current domestic value.

(2) Such current domestic value shall, except in cases where the same shall have been fixed by the Board of Customs under sub-section (4) of this section, be the price at which such or similar goods are freely offered for sale for home consumption in the ordinary course of trade to all purchasers in minimum wholesale quantities without any discounts save such as may be determined and allowed by the Board of Customs.

Valuation on retail quantities.

(3) Whenever goods are imported into Newfoundland in quantities less than the minimum wholesale quantities the Board of Customs may determine the value of such goods. In determining such value the Board of Customs shall have regard to the prices at which similar goods are sold to similar purchasers in the country whence the goods are exported to Newfoundland.

Protection of British Empire products.

(4) If at any time it appears to the Commissioner for Finance that goods of any kind are being imported into Newfoundland, either on sale or on consignment, under conditions or at prices or values as involve unfair competition with producers or manufacturers in the British Empire, including producers or manufacturers

in Newfoundland, the Commissioner for Finance may authorize the Board of Customs to fix the value for duty of any such goods; and in any such case notwithstanding any other provision of this Act the value so fixed shall be deemed to be the value for duty of such goods.

110. No deduction from the value of goods shall be allowed on account of the assumed value of any coverings or containers within the meaning of the Revenue Acts for the time being in force, where no charge for such coverings or containers has been made, but where coverings and containers are charged separately the Board of Customs may in its absolute discretion fix by general or special order, the value for duty of any coverings or containers, and duty shall be paid on that value as fixed by the Board.

111. No deduction from the value of goods shall be made on account of charges for packing, crdng, wiring or cutting, or for any expenses incurred or stated to have been incurred in the preparation and packing of goods for shipment, and all such charges and expenses shall in all cases be included as part of the value for duty.

112. Whenever the current domestic value of goods cannot be otherwise ascertained, the value for duty shall be taken to be:

- (a) The sum of the cost of materials of and of fabrication, manipulation, or other processes employed in manufacturing or producing such or similar goods, at a time preceding the date of exportation which would ordinarily permit the manufacture or production of the particular goods under consideration in the usual course of business; and

- (b) the usual general expenses (not less than ten per cent of such cost) in the case of such or similar goods; and
- (c) the cost of all containers and coverings of whatever nature, and all other costs, charges, and expenses incident to placing the particular goods under consideration in condition, packed ready for shipment to Newfoundland; and
- (d) the cost of transportation charges from the factory or place of production to the principal market of the country from which the goods were exported to Newfoundland; and
- (e) an addition for profit of such an amount not being less in any case than eight per cent. of the sum of the amounts found under the above sub-clauses (a) and (b) of this section as the Board of Customs may deem equal to the profit which ordinarily is added, in the case of goods of the same general character as the particular goods under consideration, by manufacturers or producers in the country of manufacture or production who are engaged in the production or manufacture of goods of the same class or kind.

Board of
Customs to
determine
value in
special cases.

113. Whenever goods are imported into Newfoundland under such circumstances or conditions as to render it difficult to determine the value thereof for duty, either because such goods are not sold for use or consumption in the country of production, or because a lease of such goods or the right of using the same is sold or given, but not the right of property therein, or because such goods having a royalty imposed thereon, the royalty is uncertain or because such goods are usually or exclusively sold by or to agents or by subscription, or are sold or imported in or under any other unusual or peculiar manner or con-

ditions, of all which matters the Board of Customs shall be the sole judge, the Board of Customs may determine the value for duty of such goods, and the value so determined shall be the value upon which the duty on such goods shall be computed and levied.

114. (1) The Commissioner for Finance may by order under his hand direct that, in the cases and on the conditions to be mentioned in the order, goods exported to Newfoundland from any country, but passing in transit through another country, shall be valued for duty as if they were imported directly from such first mentioned country.

Goods indirectly imported, value for duty of.

- (2) Goods which have in any country intermediate between the country of export and Newfoundland been entered for consumption or for warehouse, or permitted to remain unclaimed, or permitted to remain for any purpose shall not, unless the Commissioner for Finance shall otherwise direct, be considered as in transit through such intermediate country, but shall be treated as goods imported from such intermediate country and be valued and rated for duty accordingly.

Certain goods deemed not to have been in transit.

115. No deduction shall be made from the current domestic value of goods in respect of any drawback which has been allowed by the government of any other country.

Deduction of drawback not allowed.

116. No deduction of any kind shall be allowed from the value of any goods imported into Newfoundland because of any special arrangement between the seller and purchaser having reference to the purchase or exportation of such goods, or to the exclusive right to territorial limits for the sale thereof, or because of any royalty payable upon patent rights, but not payable when goods are pur-

Deductions not permitted.

chased for exportation, or on account of freight allowance or any other consideration by which a special reduction in price might or could be obtained.

Appraisers,
appointment of.

117. The Board of Customs may direct any officer of Customs to act as an appraiser so as to secure a just and impartial appraisal of goods imported into Newfoundland, and every person who acts as such appraiser shall by all reasonable ways and means in his power, ascertain, estimate and appraise the true value for duty of the goods, any statement of cost or cost of production, invoice, affidavit, declaration, or other document to the contrary notwithstanding. The value found by the appraiser shall be presumed to be the value for duty and the burden shall rest upon the party who challenges its correctness to prove otherwise.

Under
declaration of
value, penalty
for.

118. If in any case the true value for duty of any goods as finally determined under this Act, or as determined in any action or proceeding to recover duties, exceeds by twenty per cent. or more, the value for duty as declared on the entry thereof, there shall be levied and collected upon the said goods, in addition to the ordinary duty payable on such goods when properly valued, a sum equal to one-half of the whole duty so payable; and if the owner, importer or consignee refuses or neglects to pay the said duty and additional sum within six days after notice so to do has been served upon him personally or by leaving the same at his domicile or place of business, the goods shall be forfeited.

Re-appraisal.

119. If it appears to the Board of Customs that any goods have been erroneously appraised or allowed entry at an erroneous valuation or that any of the provisions of this Act respecting the value at which goods should be entered for duty have not been complied with, the Board of Customs may order a fresh appraisal and may require the payment of the additional duty, if any, on such goods.

120. (1) If the importer, having complied with the requirements of this Act, is dissatisfied with the appraised value of any goods, he may within three days give notice in writing of such dissatisfaction to the collector of the port. Appeal from appraisal.
- (2) On the receipt of such notice the collector shall forthwith request such importer to select one disinterested and experienced person familiar with the character and the value of similar goods, and the collector shall select a second person, and the Commissioner for Finance shall select a third person of similar knowledge, and the collector shall notify such importer accordingly. Selection of special appraisers.
- (3) The person so selected shall take an oath before a collector or a justice of the peace to act without fear, favour or partiality, and to appraise the goods with reference to which they are called upon to act in accordance with this Act. Oath of appraisers.
- (4) The persons so selected shall examine and appraise the goods in accordance with the provisions of this Act and the decision of such persons or of the majority of them if they are not unanimous shall be final and conclusive and the duty shall be levied and collected accordingly. Appraisement.
- (5) Such decision shall not apply to any case except that submitted for the consideration of the three persons hereinbefore mentioned. Scope of decision.

121. Any person, other than an officer of Customs, who has made an appraisal under Section 120 of this Act shall be entitled to the sum of five dollars, which shall be paid by the person dissatisfied with the first appraisal. Fee for special appraisers.

ance with the provisions of this Act until the vessel is ready for sea, whereupon the collector shall allow delivery of the goods and shall see the goods placed on board the vessel.

125. If it is necessary to sell any goods landed under the next preceding section to defray the cost of repairs and other charges of the vessel the collector may allow the goods to be sold; and if goods are sold for payment of repairs and charges they shall be subject to duty, and shall be warehoused or the duties thereon paid by the purchaser. Sale of goods landed.

126. If it be shown to the satisfaction of the Board of Customs that goods have received damage prior to or during landing from the vessel by which such goods were imported into Newfoundland whereby such goods have become lessened in value, an abatement may be made in the manner herein-after provided in the duty payable upon such goods, or if duty has been paid thereon, a refund of a part of such duty may be made proportionate to the damage sustained: Provided that the claim therefor is made in due form and is properly substantiated at the first landing from such vessel of the said goods, and while they are in the custody of the Customs, or as soon after such first landing as they can be examined, and that such examination is completed and certified by a collector who shall assess such damage within ten days of such landing. Goods damaged in transit, allowance on.

127. The collector shall certify the cause and extent of such damage with reference to the value for duty of the goods, and not with reference to the value in Newfoundland. Damage to be certified.

128. The collector shall not regard as evidence of the existence or amount of damage any price realized at an auction or forced sale of the goods, nor shall he make any deduction from the value of goods on account of any damage which has originated from decay, dampness, insufficient packing, or other cause existing before the Manner of appraising damage.

where such appraisal is confirmed or increased, and in other cases by the Board of Customs.

Goods exempt from duty, notice to be given and duty paid in case of sale.

122. Whenever any person shall have imported any goods free of duty or subject to limited duty under the provisions of this Act or of any Act relating to the revenue or of any other Act and shall sell, give or otherwise transfer the same to any person not entitled to import such goods free of duty or subject to such limited duty, it shall be the duty of the importer to notify the Secretary for Customs forthwith of such sale, gift or transfer and to pay such duty, if any, as shall be necessary, in addition to any duty already paid thereon, to make up the amount of the full import duty, if any, which if importation had taken place at the time of such sale, gift or transfer would be payable by virtue of this Act or any Act relating to the revenue then in force and on the basis of the value for duty of such goods at that time, and if such notice is not given and such additional duty is not paid the goods shall be forfeited.

Governor in Commission may interpret, etc., free entry privileges.

123. The Governor in Commission may interpret, limit or extend the meaning of the conditions upon which it is provided in any Act imposing duties of Customs that any article may be imported free of duty for special purposes or for particular objects, what cases shall come within the conditions of such Act, and to what objects of an analogous nature the same shall apply and extend, and may direct the payment of duty in any case, or the repayment thereof if such duty has been paid.

Goods landed in case of repair to vessels.

124. If any vessel which has received damage puts into any port or place in Newfoundland to which she is not bound, having dutiable goods on board which it is necessary to land for the purpose of repairing the vessel in order to enable her to proceed on her voyage, the collector, upon application of the master or agent, may permit such goods to be unladen and deposited in a warehouse in accord-

voyage commenced, and which has rendered the goods unfit to withstand the ordinary risks of the voyage of importation, or for rust on metal or any manufacture thereof, except in the case of manufactured articles composed in whole or in part of polished or plated metal, or for stains upon or injury to any package holding liquids, or the labels thereon, unless the contents of such package have at the same time received damage, or for any damage to goods liable to a specific rate of duty.

Perishable and fragile articles, allowance on.

129. Notwithstanding anything in the next preceding section, where green fruits or vegetables or like perishable goods have deteriorated by natural decay during the voyage of importation, or where brittle goods such as crockery, china, glass and glassware and the like have suffered breakage during such voyage, the collector may waive or allow refund of not more than three-fourths of the duty on the goods deteriorated or damaged: Provided that every claim under this section shall be made within twenty four hours of the landing of perishable goods, or in the case of brittle goods within seventy two hours of the delivery of a permit by the collector authorizing delivery of the goods to the importer.

Refunds in respect of goods delivered.

130. No refund of duty shall after the expiry of ten days from the time of entry be allowed in respect of any goods which have been delivered to the importer, by reason of any alleged inferiority or deficiency in quantity or mis-description or because of any omission from or error in the invoice or other matter or thing which might have the effect of reducing the value of such goods for duty nor unless the importer notifies the collector immediately such inferiority or deficiency or mis-description or omission or error is discovered; and if the goods are being unpacked he shall not further interfere with the goods until they have been examined by the collector.

Rate or amount of deduction to be certified.

131. Upon the examination of the goods referred to in Section 130 of this Act the collector shall certify the proper

rate or amount of reduction; and if the goods cannot be identified as those named in the invoice and entry in question no refund of the duty or any part thereof shall be allowed.

132. Whenever any vessel arriving from a foreign port has reported at the Custom House at any port in Newfoundland, and there are on board such vessel goods on which any duty has been levied or collected, or on which any duty has been deposited, and thereafter the said goods are lost or destroyed in landing or before the same are landed at such port from such vessel, or from any vessel or craft employed to lighten such vessel, then on proof to the satisfaction of the Board of Customs that such goods, or any part thereof, have been so lost or destroyed, the duties on the whole or on the part thereof so proved to have been lost or destroyed shall, if the same have been paid or deposited, be returned to the owner.

Goods lost or destroyed before or during landing, allowance on.

133. The ship's stores of vessels arriving in Newfoundland shall be subject to the same duties and regulations as if imported as merchandise; but if the collector is satisfied that the goods are ship's stores and the quantity is not deemed by him to be excessive, he may allow such ship's stores to be warehoused for re-shipment on the same vessel or to be placed under seal on board such vessel for future use as ship's stores: Provided that the Board of Customs may allow such quantities as they think fit of ship's stores to remain on board any vessel without payment of duty for consumption by the passengers and crew on board such vessel.

Ship's stores, how dealt with.

134. Any officer of Customs may require any person on board any vessel hovering in territorial waters of Newfoundland or which is bound for a port in Newfoundland, or who may have landed from any vessel, or who may have arrived in Newfoundland across the land boundary between Canada and Labrador, to answer truly questions concerning goods, baggage or personal effects brought into Newfoundland.

Examination of persons on board or having landed or arriving in Newfoundland; goods, baggage, etc.;

answer
questions, etc.;
penalty.

foundland by such person, and to declare in writing on the form prescribed by the Board of Customs his nationality, place of residence, whether he has any foreign goods upon his person or in his possession or in his baggage, and such particulars regarding such goods as are required by such form. If such person shall refuse to answer or shall not truly answer such questions, or if such declaration is not made or is false in any particular, or if any such goods which have not been so declared shall be discovered to be or to have been upon his person or in his possession or in his baggage, such goods so discovered shall be forfeited, and such person shall be liable to a penalty not exceeding four hundred dollars, or treble the value of the goods so discovered or in respect of which any false answer has been given or false declaration has been made.

Receipt for
duty on
baggage.

135. Where duty is charged on goods imported by any person in his baggage the proper officer of Customs shall issue a receipt for the duty in the form prescribed by the Board of Customs.

Persons may be
prohibited
from entering
quays, etc.;
penalty.

136. When any vessel is about to arrive at any port in Newfoundland an officer of Customs may prohibit any person from entering or being in or upon any quay, approved wharf or sufferance warehouse at which such vessel is intended to moor and may prohibit any person from boarding such vessel until a certificate of clearance inwards has been issued by the proper officer of Customs. Any person acting in contravention of any prohibition made under this section shall be liable to a penalty not exceeding two hundred dollars.

Passengers'
baggage, places
of deposit for.

137. The owner or agent of vessels regularly employed in the conveyance of passengers inwards shall provide a suitable store or place, to be approved by the Board of Customs, for the examination and deposit of the baggage of passengers.

138. (1) The Commissioner for Finance, on the recommendation of the Board of Customs and the Secretary for Posts and Telegraphs, may from time to time make regulations for the purpose of modifying or excepting the application of any of the provisions of this Act and of any Act relating to the revenue, to foreign postal articles, and for the purpose of securing, in the case of such postal articles, the observance of the provisions of this Act and of any Act relating to the revenue, and for enabling the officers of the Post Office to perform, for the purpose of those provisions and otherwise, all or any of the duties of the importer or of the person posting a postal article for exportation, and for carrying into effect any treaty, convention or arrangement with any foreign state or the government of Great Britain or of any British possession with reference to foreign postal articles. Postal articles, regulations for applying Act to.
- (2) The right of the Crown to recover any duty on any postal article, or the right of the Board of Customs to exercise in respect of such postal article any of the powers conferred by this Act, shall not be prejudiced by any payment or accounting between the Department of Posts and Telegraphs and the Department of Customs in respect of such postal article or of such duty. Duty not affected by inter-departmental accounting.
- (3) The Secretary for Posts and Telegraphs may detain any postal article suspected to contain any dutiable or prohibited goods, and forward such postal article to the Board of Customs, who may direct any officer of Customs, in the presence of the person to whom the postal article is addressed or if after notice in writing from such officer requiring his attendance at the Cus- Detention and examination of postal articles.

toms office nearest to the place at which the person resides or any other Customs office which the person may select, left at or forwarded by post to the address on the postal article, he fails to attend, then in his absence, to open and examine the postal article, and, if dutiable or prohibited goods be found therein, such officer of Customs may detain the postal article and its contents shall be dealt with as unentered goods under Section 41 of this Act; and, if no dutiable or prohibited goods be found therein, the postal article shall, upon the addressee paying the postage if any chargeable thereon, be delivered to the addressee or if he be absent shall be forwarded to him by post.

Alcoholic
liquor,
imported,
coastwise, in
transit or
ship's stores.

139. (1) No alcoholic liquor shall be imported into Newfoundland, or carried coastwise, except under the authority of the Board of Liquor Control: Provided that nothing in this sub-section shall extend to any alcoholic liquor in transit or intended for the consumption of seamen or passengers on any vessel during her voyage to or from Newfoundland and not being more in quantity than is necessary for that purpose.

Size of
vessels for im-
portation, etc.

(2) Alcoholic liquor shall not be imported or brought in transit into Newfoundland in any vessel of less than two hundred tons net registered tonnage.

Exportation
from ware-
house.

(3) Upon the entry outwards of alcoholic liquor to be exported from a warehouse either by sea or by land, the person entering the same for such purpose shall give security by bond in such form and with such sureties as the Board of Customs may direct in a sum not less

than double the duties of importation on such goods, that the same shall, when the entry aforesaid is for exportation by sea, be actually exported to some port or place overseas provided for in said entry, and when the entry aforesaid is for exportation by land, shall be landed and delivered at the place for which they are entered outwards, unless in either case the said goods were after leaving Newfoundland lost and destroyed; and that such proof or certificate that such goods have been so exported, landed and delivered, or lost and destroyed, as the case may be, as shall be required by this Act or by any regulation made under this Act shall be produced to the proper officer within the period to be appointed in such bond.

- (4) Alcoholic liquor shall not be entered outwards for exportation from any port in any vessel of less than two hundred tons net registered tonnage. Size of vessels for exportation.
- (5) Alcoholic liquor imported or brought into Newfoundland contrary to this Act shall be forfeited, together with the packages containing the same. Forfeiture.

140. The Commissioner for Finance may remit the duties on alcoholic liquor purchased and taken out of bond in original packages by officers of His Majesty's Navy for use on board His Majesty's ships. Alcoholic liquor for H. M. Navy.

141. No goods shall be placed on board any vessel, or waterborne to be shipped for exportation from any port or place in Newfoundland not being a port of entry, nor from any wharf or place not duly appointed for such purpose, nor without the presence or authority of the proper officer of Customs, nor before due entry outwards of such Exportation of goods, restrictions thereon, penalty.

vessel and due entry of such goods, nor before due clearance thereof for shipment, nor on Sundays or public holidays, save in any of such cases by special permission of the Board of Customs; and any goods placed on board any vessel or waterborne to be shipped contrary hereto shall be forfeited.

Examination of
goods for
export.

142. An officer of Customs may examine all goods to be exported from any place in Newfoundland and the opening of packages containing such goods, and the repacking thereof shall be done by or at the expense of the owner, shipper or consignor.

Report
outwards.

143. The master of every vessel bound outwards from any port in Newfoundland to any port or place out of Newfoundland, or on any voyage to any place within or without the limits of Newfoundland, shall deliver to the collector a report outward in the form prescribed signed by the master showing the destination of such vessel, her name, country, and tonnage, the port of registry, the name of her master, the number of the crew and such other particulars as are required by such form, and shall at the same time produce the certificate of registry of the vessel; and before any goods or ballast are taken on board such vessel the master shall show that all goods therein imported, except such as were reported for exportation in the same vessel, have been duly entered and landed; except that the collector may issue a stiffening order that such goods or ballast as are specified therein may be laden before the former cargo is discharged; and before such vessel departs the master shall bring and deliver to the collector a manifest of the goods laden and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such manifest as far as any of such particulars can be known to him.

144. The master of every vessel bound outwards from Newfoundland to any port or place out of Newfoundland shall immediately before the departure of such vessel deliver to the collector a return in the prescribed form giving such particulars of all passengers on board of or to be conveyed by such vessel as are required by such form.

145. The master of every vessel, whether in ballast or laden, shall, before departure, come before the collector and answer all such questions concerning the vessel, the cargo, the passengers, the crew, and the voyage as are put to him by such collector, and shall if required put any such answer in writing and make and subscribe a declaration to the truth thereof.

146. Upon compliance by the master with the requirements of this Act the collector shall issue to the master a clearance in the prescribed form and such clearance shall be the authority for the departure of the vessel, and shall be valid and in force only for a voyage between the ports mentioned therein.

147. The collector may refuse to issue a clearance to the master of any vessel having on board any goods the exportation of which from Newfoundland is prohibited.

148. If any vessel departs from any port or place in Newfoundland before the master has complied with all the provisions of Sections 143, 144 and 145 of this Act and obtained a clearance for such vessel as provided in Section 146 of this Act, or if any goods be laden on board any vessel otherwise than under a stiffening order before the master shall show that all goods therein imported except such as were reported for exportation in the vessel, have been duly entered and landed, or if, having received a clearance, such vessel adds to her cargo or performs any work without having mentioned in the report outwards the intention so to do, the master shall

be liable to a penalty not exceeding four hundred dollars; and the vessel shall be detained in any port in Newfoundland until the said penalty is paid; and unless payment is made within thirty days such vessel may be sold to pay such penalty, and any expenses incurred in detaining, keeping and selling such vessel.

Entry
outwards of
cargo.

149. (1) Before a clearance is granted to any vessel bound to a port out of Newfoundland, the owners, shippers, or consignors of the goods on board such vessel or their agents shall deliver to the collector entries, in such form as the Board of Customs may prescribe and containing the several particulars indicated therein or required thereby, of such goods as are shipped by them respectively. If any of the goods so shipped are liable to any export duty, the amount of such duty shall be stated in such entry and paid to the collector at the time at which the entry is delivered.

Value on en-
try outwards,
how to be
ascertained.

(2) The value to be declared on the entry for goods exported shall include the costs of production, transport charges, and all other charges incurred up to and including the time at which such goods are placed on board the vessel by which they are to be exported from Newfoundland.

Penalty.

(3) If the owner, shipper or consignor of any goods shipped on board any vessel fails to deliver an entry for such goods as required by subsection (1) of this section he shall be liable to a penalty not exceeding four hundred dollars or treble the value of the goods whichever is the greater.

Copies of
entry.

(4) Upon the entry outwards of any goods the owner, shipper or consignor shall deliver such fur-

ther copies of the entry thereof as the collector may require.

150. (1) The Board of Customs may by order under ^{Entry} their hands require due entry in accordance with ^{outwards before} Section 149 (1) of this Act, but before ship- ^{shipment.} ment, and in such manner as they may direct, of any goods intended for exportation or carriage coastwise, and if upon examination the goods shall not be found to correspond with the particulars contained in the entry or are found to be goods the exportation of which from Newfoundland is prohibited, they may be detained.

- (2) If any person who is required by any such order of the Board of Customs to make entry of any goods before shipment ships or attempts to ship any goods in contravention of the order he shall ^{Shipment or attempted shipment before entry; penalty.} be liable in respect of each offence to a penalty not exceeding four hundred dollars.

- (3) The collector may, if he deem it necessary, ^{Power to delay or refuse entry.} delay acceptance of any entry until he has ascertained the nature of the goods, and shall refuse to accept any export entry presented to him in respect of goods the export of which from Newfoundland is prohibited.

151. All goods exported shall be reported and entered ^{Report and entry outwards, where made.} outwards at the Custom House of the port at which they were laden or if there is no Custom House at that port the goods shall be reported and entered outwards at the nearest Custom House or at such other port as the Board of Customs may direct, subject however to the provisions of Section 160 of this Act.

152. (1) Except as provided in Section 139 (3) of ^{Warehoused or drawback} this Act, upon the entry outwards of any goods ^{goods,} to be exported from a warehouse or exported ^{exportation of.}

on drawback the person entering the same for such purpose shall by and upon the making of such entry, whether so expressed in such entry or not, become thereby bound to the actual exportation thereof, and to the actual landing or delivering at the place for which they are entered outwards, and to the production within a period to be named in such entry of such proof or certificate that such goods have been so exported, landed, or delivered, or otherwise lawfully disposed of, as shall be required by the Board of Customs; and shall by and upon the making of such entry become thereby holden to the payment of a sum equal to double the duties of importation on such goods in case of the non-performance of the obligation to export, land or deliver, and to produce proof thereof as herein provided.

Bond.

- (2) The Board of Customs may require the person entering such goods outwards to give bond in a penalty equal to double the duty payable on the importation of such goods in such form and with such sureties as they may prescribe for the due exportation and landing of the goods at a foreign port or place.

**Relanding of
warehoused or
drawback
goods; penalty**

- (3) If any goods entered outwards to be exported from a warehouse or to be exported on drawback are not exported or are not landed or delivered at some port or place out of Newfoundland or are brought into or relanded in Newfoundland contrary to this Act or any regulations made under this Act, such goods shall be forfeited, together with any vessel or vehicle from or in which they have been so brought in or relanded or in which they may be found; and the exporter shall in any such case and whether such goods are seized

or not, be liable to payment of double the duty payable on the importation of like goods in addition to any other penalties or forfeitures to which for any of the causes aforesaid he may be liable under this Act or regulations made under this Act.

153. If within the period appointed in the entry for exportation, landing or delivery abroad, as provided in Section 152 of this Act, there is produced to the collector a written certificate of some principal officer of Customs at the place to which the goods were exported, or of any British or foreign Consul or Vice-Consul resident there, showing to the satisfaction of the collector that all the goods enumerated in the said entry were actually landed and left at the place for which the goods were entered for exportation, or if it is proved to the satisfaction of the collector that the said goods were, after leaving Newfoundland, lost and destroyed, the obligation of the person making such export entry to the payment of the double duty of such goods shall terminate, and any bond which he may have given in that behalf shall be cancelled.

Proof of
landing of
goods abroad,
or less thereof.

154. The provisions of this Act with reference to Goods the exportation of warehoused goods shall so far as exported on they are applicable be deemed to apply to and include drawback or goods exported on drawback and goods liable to duties of transhipped Customs transhipped. dealt with as warehoused goods.

155. Before any goods upon which any drawback on exportation is claimed shall be shipped for exportation the owner, shipper or consignor of the goods shall deliver to the collector a drawback claim in such form and such manner and containing such particulars of the goods and such declarations as to the importation of the goods, the rate of duty paid thereon, their non-use or their use in manufacture as the Board of Customs may prescribe. Such claim for drawback shall be verified by oath made by the owner, shipper or consignor of

Drawback on
exportation.

the goods before any justice of the peace or any officer of Customs.

Drawback goods not agreeing with entry or claim forfeited; penalty.

156. All goods upon which any drawback is claimed shall be produced to the proper officer of Customs prior to being shipped for exportation, and if on examination by the proper officer of Customs such goods shall be found not to agree with the export entry or the claim for drawback or shall be found to be of less value for home use than the amount of drawback claimed on such goods, the package containing the same with all the other contents therein shall be forfeited; and the person entering such goods and claiming the drawback thereon shall be liable to a penalty not exceeding four hundred dollars or treble the amount of the drawback claimed whichever is the greater.

Particulars further to report and entry.

157. The Board of Customs may, by order under their hands from time to time made in that behalf, require such further information with regard to the origin, ownership, destination, description, quantity, quality and value of goods exported from Newfoundland, or removed from one port to another in Newfoundland, or in transit through Newfoundland, to be given to the proper officer of Customs in the report and entry of such goods outwards, or in any other manner as they deem requisite.

Fishery clearances.

158. (1) The master of every vessel engaged solely in the fisheries of Newfoundland, not having on board any goods subject to duty on which duty has not been paid shall before departure for the fisheries furnish to the collector a report outward stating the name, tonnage and place of registry of the vessel and name of the master and of each member of the crew and of all other persons (if any) on board, and whether the vessel is clearing for the Bank Fishery, Labrador, or otherwise; and thereupon the collector may give to the master a certificate under his hand that such vessel

has been specially cleared for the fisheries, and such certificate shall be in force until the thirty-first day of December next after the date thereof, and such vessel shall be exempt from all obligations to report at any Custom House upon arrival at or departure from any port in Newfoundland for the prosecution of the fisheries during the continuance of the season for which such certificate may have been granted: Provided that where a vessel which has cleared from a Newfoundland port under this section or any boat or person from such vessel calls at a foreign port or takes on board any foreign goods such certificate shall be deemed to have been cancelled thereby and such vessel shall on arrival in Newfoundland be subject to the provisions of this Act and any other Act relating to the revenue.

Penalty.

- (2) The master of any vessel engaged in the fisheries of Newfoundland departing without being in possession of a valid certificate of clearance for the fisheries issued in accordance with this section shall be liable to a penalty not exceeding two hundred dollars.

159. The Board of Customs may by order under their hands appoint routes by which goods may be imported into or exported from Newfoundland across the land boundary between Canada and Newfoundland, and may appoint stations on such routes at which aircraft, vehicles, or persons arriving in or departing from Labrador shall make report and enter goods in accordance with the requirements of this Act; and all the provisions of this Act shall apply in so far as they may be applicable to traffic across the land boundary.

160. Should the master of any vessel bound from Labrador to any place out of Newfoundland be by reason of his inability to reach a collector unable to report and

Importation of goods over land boundary.

Entry outwards at Labrador.

enter his vessel outwards in conformity with the provisions of this Act, he shall cause to be delivered to the collector at St. John's the documents and information required under this Act together with a report in writing signed by the said master stating the circumstances, and if the Board of Customs is satisfied as to the circumstances, the master shall be deemed to have complied with the requirements of this Act as to clearance outwards of his vessel. The owners, shippers or consignors of the cargo on board such vessel shall deliver to the collector at St. John's, at the earliest opportunity, entries as required by Section 149 of this Act,

Application of
Act to
Labrador.

161. The Commissioner for Finance may from time to time to meet the circumstances of any special case relax or dispense with any of the requirements of this Act or of the regulations made thereunder in respect of the importation, exportation or warehousing of any goods in Labrador.

Reports by
purser.

162. The report, inward or outward, required by this Act may in the case of any vessel carrying a purser be made under the master's written authority by such purser, and if the report is so made, the provisions of this Act shall apply as if the report had been made by the master, but nothing herein contained shall preclude the collector from calling upon the master of any vessel to make such report, or to answer all such questions concerning the voyage, vessel, cargo, passengers and crew, as might be lawfully put to him if the report had been made by him, and nothing herein contained shall exempt the master of the vessel from any penalty imposed by this Act.

Stopping of
vessels in
territorial
waters;
penalty.

163. The master of any vessel in territorial waters of Newfoundland shall bring the vessel to a stop when required so to do in the King's name by an officer of Customs, or upon signal made by any Government vessel wearing the ensign appointed by law, and in default of so doing he shall be liable to a penalty not exceeding one thousand dollars.

164. If any person on board a vessel in territorial waters of Newfoundland which has been required to come to a stop by an officer of Customs or by signal from any Government vessel wearing the ensign appointed by law, shall throw overboard, stave or destroy any package or goods or any documents relating to the vessel or cargo, such vessel shall be forfeited, and every such person shall be liable to a penalty not exceeding four hundred dollars.

Goods thrown overboard, destroyed, etc., penalty.

165. (1) Any officer of Customs may within the territorial waters of Newfoundland go on board any vessel and may require the master of such vessel to produce the certificate of registry of the vessel and the clearance obtained at the last port of call and the manifest.

Boarding of vessels. Master to produce certificate of registry and answer questions.

(2) The master of such vessel shall truly answer such questions concerning the voyage, vessel, cargo, passengers and crew as may be put to him by such officer of Customs: Provided that if such vessel is found or observed to be hovering in territorial waters such officer may examine upon oath the master or any other person on board concerning the voyage, vessel, cargo, passengers and crew, and may bring the vessel into port.

166. (1) Any officer of Customs may within the territorial waters of Newfoundland inspect, search and examine any vessel lying in any port or place or proceeding thereto or therefrom, and any cargo, package, or baggage on board, and if any goods be found the importation of which into Newfoundland is prohibited and which are not in transit or which are not enumerated on the manifest or which are concealed they shall be forfeited, and the master shall be liable to a penalty not exceeding four hundred dollars,

Examination of vessel's cargo, etc., forfeiture of prohibited goods; penalty.

and the master upon being so required by such officer shall bring the said vessel into the nearest port of entry and such vessel may be detained until such penalty is paid, and unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in detaining and in the safe keeping and sale of such vessel.

Officers may close compartments, seal goods, etc.

- (2) Any officer of Customs shall have free access to every part of the vessel, with power to fasten down hatchways and close compartments, and to mark and secure or place under seal any goods on board; and if any place, box or chest is locked, and the keys are withheld, such officer may open the same.

Altering or defacing Customs marks, etc.; penalty.

- (3) If while the vessel is within the limits of any port in Newfoundland or is proceeding from one port in Newfoundland to another port in Newfoundland, any mark, lock or seal upon any goods on board is wilfully altered, opened or broken, or any goods are secretly conveyed away, or any hatchway fastened down or compartment closed by an officer of Customs is opened without permission of the proper officer of Customs, the master shall be liable to a penalty not exceeding four hundred dollars, and the vessel may be detained until the said penalty is paid; and unless payment is made within thirty days, such vessel may, after the expiration of such time, be sold to pay such penalty and any expenses incurred in detaining, keeping and selling the vessel.

Officers may remain on board vessels.

167. Any officer of Customs may remain on board any vessel until all the cargo intended for Newfoundland

shall be duly entered and landed or until the departure of such vessel from Newfoundland.

168. Any officer of Customs may go on board and inspect, search and examine any vessel found hovering in the territorial waters of Newfoundland and any cargo, package, or baggage on board, and if any dutiable goods or any goods the importation of which into Newfoundland is prohibited are found on board or attached to such vessel, then such vessel with her apparel, rigging, tackle, furniture, stores and cargo shall be forfeited and the master of such vessel shall be liable to a penalty not exceeding four hundred dollars.

Examination of vessels found hovering. Forfeiture if dutiable or prohibited goods found.

169. If in any proceeding a question shall arise as to whether any vessel was at any particular time within the territorial waters of Newfoundland the evidence of the captain, master, or other person in charge of any vessel in the service of the Government of Newfoundland shall be prima facie evidence of the fact.

Evidence as to position of vessel.

170. (1) Any officer of Customs or any person acting in his aid may stop and search any vehicle arriving in Newfoundland across the land boundary and may, upon information or reasonable grounds of suspicion, stop and search any other vehicle in any place, and if any prohibited or smuggled goods or goods respecting which there has been any violation of this Act are found in any vehicle, the officer or person so acting may seize such vehicle, together with all the animals, harness, and all other appurtenances which at the time of such seizure belonged to or were attached to such vehicle with all goods and other things laden therein or thereon, and the same shall be forfeited.

Search and seizure of vehicles; forfeiture.

Refusal to stop
vehicle;
penalty.

- (2) Every driver or person conducting or having charge of any vehicle who refuses to stop such vehicle when required so to do, in the King's name, by an officer of Customs, shall be liable to a penalty not exceeding one thousand dollars.

Breaking of
bulk before
entry.

171. If any person shall break bulk upon any vessel within the territorial waters of Newfoundland whether such vessel be upon a voyage from a foreign port to a port in Newfoundland, or from a foreign port to a foreign port, or from a foreign port to the high seas, or from a Newfoundland port to the high seas or to a foreign port, or coastwise or otherwise until due entry is made or the permission of the proper officer of Customs is granted, or if after the arrival of any vessel within the territorial waters of Newfoundland, any alteration is made in the stowage of the cargo so as to facilitate the unlading of any part thereof before report of such vessel and cargo, or if any package is opened or any goods are staved, destroyed or thrown overboard, unless cause be shown to the satisfaction of the Board of Customs, in every such case the master shall be liable to a penalty not exceeding four hundred dollars, and the vessel may be detained until the said sum is paid, and unless payment is made within thirty days such vessel may, at the expiration thereof, be sold to pay such penalty and any expenses incurred in detaining and in the safe keeping and sale of such vessel.

Forfeiture of
vessels and
vehicles, etc.,
used in
smuggling.

172. All vessels with the tackle, apparel, rigging and furniture thereof, and all vehicles, animals, harness and all other appurtenances made use of in the importation or unshipping or landing or removal of any goods liable to forfeiture under this Act, shall be forfeited; and every person who assists or is otherwise concerned in importing, or unshipping, or landing, or removing, or in the harbouring of such goods, or into whose hands or possession the same knowingly come, shall be liable to a penalty not exceeding two hundred dollars or treble the value of such goods whichever is the greater.

173. (1) If any person knowingly harbours, or keeps, or conceals, or purchases, or sells, or exchanges any goods unlawfully imported into Newfoundland, whether such goods are dutiable or not, or any goods whereon the duties lawfully payable have not been paid, such goods, if found, shall be forfeited. If such goods are not found the person so offending shall be liable to a penalty equal to the value thereof.

Keeping or dealing in smuggled goods; forfeiture.

(2) Every such person shall further be liable to a penalty not exceeding four hundred dollars or to imprisonment for a period not exceeding one year, or to both fine and imprisonment.

174. If any person smuggles or clandestinely introduces into Newfoundland any goods, or in any way attempts to defraud the revenue either by evading the payment of the duty or any part of the duty on any goods or otherwise he shall be liable to any or all of the following penalties:

Smuggling or defrauding the revenue; penalty and forfeiture.

(a) The forfeiture of such goods if found or if not found a penalty equal to the value of such goods as ascertained; and

(b) a penalty not exceeding four hundred dollars; and

(c) imprisonment for a period not exceeding one year.

175. Every person on board any vessel

(a) found within territorial waters of Newfoundland, having on board or having attached to such vessel, or conveying anything subjecting such vessel to forfeiture; or

Persons found on board any vessel whereon certain offences committed, penalty upon.

- (b) whereon bulk has been broken or the stowage of cargo altered contrary to the provisions of this Act; or
- (c) whereon any package has been staved or opened or wherefrom any goods have been thrown overboard contrary to the provisions of this Act; or
- (d) in which any goods have been brought into Newfoundland contrary to the provisions of this Act,

shall be liable to a penalty not exceeding one hundred dollars if he has been knowingly concerned in any of such acts.

Procuring or inducing others to smuggle, penalty.

176. Every person who by any means procures, hires, or induces, any person or persons to be concerned in the importation, or unshipping, or landing, or removal of any goods the importation of which is prohibited, or for the landing of which permission has not been granted by the proper officer of Customs, shall for every person so procured, hired or induced, be liable to a penalty not exceeding one thousand dollars.

Persons found in company having smuggled goods.

177. If any two or more persons are found in company, and they, or any of them, have any goods liable to forfeiture under this Act, every such person having knowledge of the fact shall be liable to a penalty not exceeding four hundred dollars.

Averment that person employed under this Act to be prima facie proof.

178. Every officer and person who is employed under the authority of this Act or any Act relating to the revenue, or under the direction of any officer of Customs, or is acting in aid of any such officer, shall be deemed and taken to be duly employed for the prevention of smuggling and for the enforcement of this Act; and in any suit or information, the averment that such person was so duly employed shall be prima facie proof thereof.

179. (1) Any officer of Customs or any person acting in his aid in the discharge of the duty under this Act of stopping vessels or vehicles, searching vessels, vehicles, buildings or places, or seizing vessels, vehicles, or goods, may call in such lawful assistance in the King's name as is necessary and no person so called in to assist shall be liable to any prosecution, action or other legal proceeding for acts lawfully done in rendering such assistance. Calling for assistance in King's name. Protection of persons assisting.
- (2) Every person who, when called upon in the King's name by such officer or person to aid and assist him refuses or neglects so to do shall be liable to a penalty not exceeding one hundred dollars. Refusal of assistance, penalty.
180. (1) The officer in charge of any vessel employed for the prevention of smuggling, or any person acting in his aid, shall have free use of any harbour, wharf, pier or quay without any charge or rate being made for using the same, and may haul any such vessel upon any part of the coast of Newfoundland or the shores, banks or beaches of any river, creek or inlet of the same, or on the shore of any lake or pond, as shall be deemed most convenient for that purpose, and may moor any such vessel on any part of the aforesaid coast, shores, banks and beaches for such time as he shall deem necessary and proper, and such officer or person aiding him shall not be liable to any proceeding, action or suit for so doing. Customs vessels may use harbours, wharves and shores without liability.
- (2) Any officer of Customs, and any person acting in his aid, or any person duly employed for the prevention of smuggling, when on duty, may patrol upon and pass freely along any part of the Officers may patrol shores or railways without liability.

coast of Newfoundland, or any railway, or the shores or banks of any river, creek, or inlet of the same, or on the shore of any lake or pond; and any such officer or person so patrolling shall not be liable to any proceeding, action or suit for so doing.

Officers may detain and open packages.

181. Any officer of Customs or any person acting in his aid may, upon information or upon reasonable grounds of suspicion, detain, open and examine any package suspected to contain prohibited or smuggled goods, or goods respecting which there has been any violation of any of the provisions of this Act, and if any such goods are found in such package such package and all goods contained therein shall be forfeited.

Search of the person.

182. (1) Any officer of Customs may search any person on board any vessel or who shall have landed from any vessel or who shall have arrived in Newfoundland across the land boundary or who is in or upon any wharf, pier or quay or other place where vessels are unladen whom he may have reasonable cause to suspect of having uncustomed or prohibited goods secreted about his person.

Failure to declare goods; forfeiture; penalty.

(2) Any person suspected as aforesaid may be questioned by such officer, whether he has any such goods about his person, and if he denies having any such goods, or does not produce such as he may have, and any such goods are found upon him they shall be forfeited, and he shall be liable to a penalty not exceeding two hundred dollars or treble the value of the goods whichever is the greater.

Application to justice or collector.
Searching of females.

(3) Before any person can be searched as aforesaid, such person may require the officer to take him before a justice of the peace, or before the collector at the place, who shall, if he sees

no reasonable cause for search, discharge such person, but if otherwise direct such person to be searched; and if a female, she shall not be searched by any but a female; and any such justice of the peace or collector may, if there is no female appointed for such purpose, employ and authorize a suitable female person to act in any particular case or cases.

- (4) Any officer required to take any person before a justice or collector as aforesaid shall do so with all reasonable despatch. ^{Despatch to be used.}

183. Every one who obstructs or offers resistance to any search of the person, authorized to be made by this Act, or assists in so doing, shall be liable to a penalty not exceeding one hundred dollars. ^{Resistance to search of the person, penalty.}

184. If any officer requires any person to be searched without reasonable cause, such officer shall be liable to a penalty not exceeding forty dollars, which may be sued for and recovered summarily by the person aggrieved. ^{Search without reasonable cause, penalty.}

185. If any officer of Customs shall have reasonable cause to suspect that any uncustomed or prohibited goods are harboured, kept, or concealed in any building or place in Newfoundland, and it shall be made to appear by information on oath before any justice of the peace, such justice may by special warrant authorize such officer, with such assistance as is necessary, to enter and search such building or place, and to seize and carry away such uncustomed or prohibited goods as may be found therein; and it shall be lawful for such officer and such persons as may be assisting him, and they are hereby authorised, in case of resistance, to break open any door, and to force and remove any other impediment or obstruction to such entry, search, or seizure as aforesaid: Provided however that such acts may upon such reasonable cause of suspicion be done without a warrant by such officer where no justice of ^{Search of buildings.}

the peace resides at the place of search, or where no justice of the peace can be found within two miles at the time of search.

Detention of
offenders in
certain cases.

186. Where any person not ordinarily resident in Newfoundland or whose address is unknown or who has no fixed place of abode or who is suspected of being about to leave Newfoundland has been guilty of an offence under this Act or any regulations made under this Act such person may be detained in any place either upon land or water by any constable or by any officer of Customs under this Act and taken forthwith before any stipendiary magistrate to be dealt with according to law: Provided that no person shall be detained whilst actually on board any vessel in the service of a foreign state or country.

Writ of
assistance.

187. Any Judge of the Supreme Court of Newfoundland may grant a writ of assistance upon application made to him for the purpose by His Majesty's Attorney General for Newfoundland or by the Commissioner for Finance, and such writ shall remain in force so long as the person named therein remains an officer of the Customs, whether in the same capacity or not.

Existing writs
to remain in
force.

188. Every writ of assistance granted before the coming into force of this Act, under the authority of Acts relating to the Customs now repealed, shall remain in force, notwithstanding such repeal, in the same manner as if such Acts had not been repealed.

Powers under
writ of
assistance.

189. Under the authority of a writ of assistance any officer of Customs may enter at any time in the day or night, into any building or other place within the jurisdiction of the Court and may search and seize and secure any goods which he has reasonable grounds to believe are liable to forfeiture under this Act, and in case of necessity may break open any doors or any chests or other packages for that purpose.

190. Any officer of Customs or person acting in his aid ^{Protection of officers.} in the discharge of the duty of stopping, searching or seizing goods and vehicles or of searching buildings or places or of detention of persons shall not be liable to any prosecution, action or other legal proceeding on account of any such stoppage, search, seizure or detention:

- (1) if such officer of Customs or person acting in his aid has been authorized by and acted in accordance with a warrant to search obtained under the provisions of Section 185 of this Act, or under the authority of a writ of assistance granted under Section 187 of this Act; or
- (2) if upon such stopping, search or seizure, prohibited goods, goods on which the full duties have not been paid or smuggled goods or goods **or vehicles** liable to be forfeited under this Act are found; or
- (3) if such officer or person had reasonable cause to suspect that prohibited, uncustomed or smuggled goods, or goods liable to forfeiture under this Act might be found, or if he acted in aid of an officer or other person having such reasonable cause of suspicion; or
- (4) if such officer or person had reasonable cause to suspect that the person detained had been guilty of an offence under this Act or Act relating to the revenue or regulations made under such Acts.

191. (1) All vessels, vehicles and goods liable to de- ^{Who may seize or detain.} tention or forfeiture or seizure under this Act or under any Act relating to the revenue may be seized or detained by any officer of Customs or by any constable or by any person acting in aid of either of them.

Disposition of
things seized or
detained.

- (2) If any vessels, vehicles, or goods are detained or seized by any person under the authority of this Act or any Act relating to the revenue they shall be conveyed and delivered forthwith to the nearest collector or as otherwise directed by the Board of Customs.

Uncustomed
goods seized on
suspicion of
being stolen,
how dealt with.

192. If any uncustomed goods are stopped or taken by any constable on suspicion that the same have been stolen then such constable or his superior officer shall give notice in writing to the nearest collector that such goods have been stopped or taken, with the particulars of the same. Such goods shall remain in the custody of the police so long as the same are or may be required for purposes of evidence in any court and thereafter shall be delivered to the nearest collector.

Seizures,
how dealt
with.

193. All seizures shall be deemed and taken to be forfeited and may be sold or otherwise disposed of as the Board of Customs may direct: Provided, however, that:

- (a) if the offender or the owner or, in the case of a vessel, the master was present at the time of the seizing, the sale or disposition of the seizure shall not take place until thirty days after the date of such seizure; and
- (b) if the offender or the owner or, in the case of a vessel, the master was not present at the time of seizing, the sale or disposition shall not take place until thirty days after the date on which a notice in writing of such seizure, stating the grounds thereof has been served by the Secretary for Customs upon the offender, or upon the owner or, in the case of a vessel, upon the master; and
- (c) if in either case the offender or the owner or the master shall give notice in writing to the Sec-

retary for Customs that he denies the lawfulness of such forfeiture, the Commissioner for Finance shall take proceedings in court for a declaration of the forfeiture; and

- (d) in any event, and whether notice shall have been given under paragraph (b) of this section or not, the Commissioner for Finance may take proceedings for a declaration of forfeiture; and
- (e) if the addresses of all persons on whom notice of seizure is required under this section to be served are unknown or if such person cannot be found the seizure may be sold or otherwise disposed of after the expiration of sixty days from the time of seizing.

194. The service of notice of seizure referred to in Section 193 of this Act shall be sufficient if such notice is delivered personally to the offender, or master, or owner or if it is transmitted by post to the offender, master or owner in a registered letter addressed to him at his last known place of business or address; and the thirty days mentioned in Section 193 of this Act shall, where the notice is served by post, be computed from the date of the posting of such notice. Service of notice.

195. The Board of Customs may in their discretion, and provided the same has not been imposed by any Court, mitigate any fine or penalty to which any person has become liable under this Act or any Act relating to the revenue, or may stay or compound any proceeding for recovery thereof or for the declaration of any forfeiture, and may restore anything seized to the proprietor or claimer thereof. Mitigation of penalties; staying or compounding of proceedings; restoration of seizures.

196. (1) Where any goods are liable to be sold under this Act or any Act relating to the revenue whether by public auction or otherwise the
- Sale or disposal of things forfeited or abandoned.

same may be sold by public auction after a reasonable public notice or by tender after reasonable public advertisement to the highest bidder.

- (2) The Board of Customs may order vessels, vehicles or goods forfeited or abandoned to the Crown to be disposed of as they see fit.

Surplus of things sold to pay a penalty to be returned to owner.

197. The surplus, if any, of the proceeds of the sale of any vessel, vehicle or goods sold for any penalty, over and above the amount of the penalty charges and expenses incurred, shall be paid to the owner of the vessel, vehicle or goods so sold.

Rewards, payment of.

198. The Commissioner for Finance may, by order under his hand, prescribe the proportion of penalties recovered or of the proceeds of the sale of forfeitures under this Act or any Act relating to the revenue which shall be paid to officers of Customs or to persons who shall have assisted such officers either by giving information or otherwise in detecting the offence in respect of which any such penalty was recovered or any such seizure effected.

Production of records by importers.

199. Whenever the Board of Customs has reasonable grounds to suspect that goods have been unlawfully imported or exported, or entered, or whenever any goods have been seized or detained under any of the provisions of this Act or of any Act relating to the revenue, the importer or the owner, shipper or consignor of goods exported or to be exported or claimant or any other person who may be or have been agent for any of them, shall, immediately upon being required so to do by an officer of Customs thereto authorized by the Board, produce and hand over all correspondence, invoices, bills, accounts and statements relating to the goods so imported, exported, entered, seized or detained, or of all other goods imported into or exported from Newfoundland by him at any time

within six years preceding such requests, seizure or detention; and shall also produce for the inspection of such officer, and allow him to make copies of, or extracts from, all books of account, ledgers, day-books, cash-books, letter-books, invoice-books, or other books, documents or papers wherein any entry or memorandum appears respecting the purchase, importation, exportation, cost, value or payment of the goods so seized or detained and of all other goods as aforesaid. If any person fails to comply with the provisions of this section, he shall, in respect of each offence, be liable to a penalty not exceeding two thousand dollars.

200. (1) When any vessel, vehicle, or goods have been seized under this Act or any other Act relating to the revenue, the Commissioner for Finance, if proceedings in Court have not been commenced, and the Court if proceedings in Court have been commenced, may order the delivery thereof to the owner on his giving notice under sub-section (c) of Section 193 of this Act and on his depositing with the proper officer of Customs or in Court as the case may be such sum of money as in the opinion of the Commissioner for Finance or of the Court as the case may be is adequate to cover all forfeitures and all penalties which may be imposed in the proceedings together with the estimated costs of the detention and safe keeping. Seizures may be delivered to owner upon deposit of security.
- (2) In the event of any penalty being imposed upon the owner of such vessel, vehicle or goods or if such seized vessel, vehicle or goods be declared forfeited in Court, the amount so deposited shall be applied to the payment of such penalty and to the payment of a sum equal to the value of the vessel, vehicle or goods if declared forfeited together with the cost of detention and safe keeping. The surplus if any remaining shall be repaid to the person making such deposit. Disposition of deposit.

Animals or
perishable
goods seized,
disposition of.

201. Notwithstanding the provisions of Section 193 of this Act if the thing seized is an animal or perishable article, and no deposit has been made under sub-section (1) of Section 200 of this Act the collector at whose port the same is may sell the same so as to avoid the expense of keeping it or to prevent its becoming deteriorated in value; and the proceeds of such sale shall be held on deposit by the Board of Customs to abide the judgment of the court with respect to the forfeiture of the thing seized, if proceedings for declaration of forfeiture are taken in court, and shall become the property of His Majesty, if the thing seized is declared forfeited in court or if notice as required by sub-section (c) of Section 193 of this Act is not received by the Secretary for Customs.

Unlawfully
taking away
goods seized,
penalty.

202. Every person who, whether pretending to be the owner or not, either secretly or openly and whether with or without force or violence, takes or carries away any vessel, vehicle, or goods which have been seized or detained under this Act, before the same have been declared by competent authority to have been seized without due cause, and without the permission of the officer or person who seized the same or of some competent authority, shall be liable to a penalty not exceeding four hundred dollars or treble the value of the goods, whichever is the greater or to imprisonment for a period not exceeding twelve months or to both fine and imprisonment.

Offering for
sale goods
pretended to be
smuggled,
forfeiture;
penalty.

203. If any person offers for sale any goods under pretence that the same are prohibited, or are goods on which the full duties have not been paid, all such goods, although not prohibited or not liable to any duties, shall be forfeited, and every person who offers the same for sale shall be liable to a penalty not exceeding two hundred dollars, or to treble the value of such goods, whichever is the greater.

204. Every person required by this Act to answer questions put to him by any officer of Customs, who refuses to answer or does not truly answer such questions, shall, in addition to any other penalty or punishment to which he is liable, be liable to a penalty not exceeding four hundred dollars.

Refusal to answer questions, penalty.

205. Every person who, either by actual assault, force or violence, or by threats of such assault, force or violence resists, molests or obstructs any officer of Customs, or any person acting in his aid, in the execution of his or their duty, and every person who staves, breaks, destroys or injures any goods seized or liable to seizure, or scuttles, sinks or cuts adrift any vessel seized or liable to seizure under this Act or any Act relating to the revenue shall be liable to a penalty not exceeding one thousand dollars or treble the value of such goods or vessel, whichever is the greater, or to imprisonment for a period not exceeding twelve months or to both fine and imprisonment.

Resisting officers of Customs, and other offences of violence, penalty.

206. (1) In all cases in which no penalty or forfeiture is imposed or provided by this Act for breach of any of the provisions thereof, or of any regulation lawfully made thereunder, every person guilty of such breach shall be liable to a penalty not exceeding four hundred dollars or treble the value of any goods which may be the subject of such breach, whichever is the greater.

General penalty in unspecified cases.

(2) Wherever in this Act or in regulations made under this Act it is provided that the penalty for any offence shall consist in the forfeiture of vessels, vehicles or goods or in a monetary penalty, or in both, and there is no provision for imprisonment, it shall be lawful for the convicting court to impose in default of payment of any monetary penalty or in addition to the forfeiture of any vessel, vehicle or

Imprisonment in default of payment or in addition to forfeiture.

goods, a period of imprisonment not exceeding twelve months: Provided that the aggregate of periods of imprisonment imposed by a court of summary jurisdiction in respect of any offence shall not exceed twelve months.

Recovery of penalties.

207. All offences committed against this Act, or any Act relating to the revenue or against any regulations made under such Acts, and all penalties to which any person may have become liable thereunder may be prosecuted, sued for and recovered and all declarations or forfeiture may be obtained upon information or petition and without a jury in the Supreme Court, or upon complaint before a Stipendiary Magistrate: Provided that either party to any such cause shall, in the Supreme Court, have the right, upon application to have a jury for the trial thereof; and provided that in any proceedings for any penalty or in respect of any forfeiture under such Acts or regulations the fact that the duties of Customs have been secured by bond or otherwise shall not be pleaded or made use of in answer to or in stay of any such proceedings.

Proceedings, in whose name taken.

208. No suit shall be commenced for the recovery of any penalty or in respect of any forfeiture under this Act, or any Act relating to the revenue or any regulations made under such Acts except in the name of the Commissioner for Finance, or in the name of His Majesty's Attorney General for Newfoundland.

Officers may conduct proceedings.

209. Any officer of Customs, under the order and direction of the Board of Customs, may prosecute, defend or conduct any proceedings before any court of summary jurisdiction in any matter relating to the revenue to be heard or determined before such court.

Averment as to officers.

210. In any declaration, information, statement of claim, or proceeding in any matter relating to the revenue,

the averment that any person was or is an officer of Customs shall be prima facie evidence of the fact.

211. In any proceeding in any court in any matter relating to the revenue any order of the Commissioner for Finance or of the Board of Customs may be proved by the production of a copy thereof certified as correct by the Secretary for Customs under his hand. Proof of order by copies.

212. If in any proceeding in any court in any matter relating to the revenue the Attorney General for Newfoundland is satisfied that the penalty or forfeiture was incurred without intended fraud he may enter a *nolle prosequi* on such terms as he sees fit, which shall be binding on all parties; and the entry of such *nolle prosequi* shall be reported to the Commissioner for Finance with the reasons therefor. Entry of nolle prosequi by Attorney General.

213. When in any information or suit on the part of the Crown relating to any seizure a verdict or judgment shall be found for the claimant, if it shall appear to the judge or justice before whom the same was heard that there was reasonable or probable cause for seizure, and such judge or justice shall so certify on the record, information or other written proceedings, such certificate may be pleaded in bar to any action, indictment, or other proceeding against the seizer; and in case any action, indictment or other proceeding shall be brought to trial against any person on account of any seizure, whether any information be brought to trial for the declaration of forfeiture of the same or not, and a verdict shall be given for the plaintiff, if the judge or justice before whom such action, indictment, information, or other proceeding shall be tried or heard shall certify on the record, information or other written proceedings that there was reasonable or probable cause for seizure, the plaintiff shall not be entitled to more than twenty cents damages nor to any costs, nor shall the defendant be fined more than one dollar; and the produc- Certificate of reasonable or probable cause, effect of.

tion of such certificate, or a copy thereof, verified by the signature of the proper officer of the Court, shall be sufficient evidence of such certificate.

Onus of proof of certain matters on the defendant.

214. If in any proceeding under this Act or any Act relating to the revenue, for recovering any penalty or penalties or in respect of any goods seized for non-payment of duties, or any other cause of forfeiture, any dispute shall arise as to whether the duties have been paid in respect of any goods or whether the same have been dealt with according to the provisions of this Act or any Act relating to the revenue, or concerning the place from whence such goods were brought or as to the identity or origin of the goods in respect of which proceedings are taken, the burden of proof thereof shall be on the defendant in such proceeding.

Mariners, etc., may be allowed to go overseas on making deposit to cover penalty.

215. Whenever any mariner or other person desiring to leave Newfoundland is liable to be arrested or detained or to be required to remain to answer any charge or breach of any provision of this Act, or of any Act relating to the revenue, or any regulations made under such Acts, the Commissioner for Finance in his discretion may permit such person to depart out of Newfoundland upon his depositing with the proper officer of Customs such sum of money as in the opinion of the Commissioner for Finance may be adequate to cover the penalties which may be imposed in the proceedings: Provided that unless such person shall within twelve months of the date of making such deposit return to Newfoundland and by notice in writing to the Secretary for Customs claim his deposit such deposit shall stand forfeited and shall be in lieu of any penalty for such breach; but if he shall so return and claim, then such proceedings shall be had as might have been had before his departure.

Limitation of time for proceedings.

216. All seizures, prosecutions or suits for the recovery or enforcement of any of the penalties or forfeitures imposed by this Act or any Act relating to the

revenue or any regulations made under such Acts may be made or commenced at any time within three years after the offence was committed or the cause of prosecution or suit arose, but not afterwards.

217. If either party in any proceeding shall be dissatisfied with any judgment, order or conviction of a stipendiary magistrate, he may appeal to the Supreme Court: Provided notice of appeal be given to the stipendiary magistrate within fourteen days after such judgment order or conviction shall have been made or given; and every defendant appealing shall enter into security to the satisfaction of a stipendiary magistrate to prosecute such appeal without delay and to abide by the judgment therein. Upon any such appeal the Supreme Court may give such judgment or make such order or conviction as it may deem fit, or may remit the matter to the stipendiary magistrate for re-hearing or reconsideration, as may be ordered, and any such judgment, order or conviction made by the said Court shall take effect in the same manner as if the same had been given or made by such magistrate.

Appeal to
Supreme Court.
Notice,
security.

218. If the appeal is brought by His Majesty's Attorney General, or by the Commissioner for Finance, it shall not be necessary for him to give any security on such appeal.

Attorney
General or
Commissioner
for Finance not
to give security

219. In any case in which proceedings have been instituted in any Court against any vessel, vehicle or goods, for the enforcement of any penalty or forfeiture under this Act, or any Act relating to the revenue, or regulations made under such Acts, the execution of any decision or judgment for restoring the vessel, vehicle or goods to the claimant thereof shall not be suspended by reason of any appeal from such decision or judgment if the claimant gives sufficient security, approved of by the Court or a judge thereof, to render and deliver the vessel, vehicle or goods in question, or the full value thereof, to the appel-

Restoration of
seizures to
claimant
pending
appeal.

tant in case the decision or judgment so appealed from is reversed.

Actions against
officers, notice
to be given.

220. (1) No action, suit or proceeding shall be commenced against any officer of Customs or person employed under the authority of this Act for anything done in the exercise of his office or duty or against any person in possession of goods under authority of any officer of the Customs, until one month after notice in writing has been delivered to him, or left at his usual place of abode, by the person who intends to commence such action, suit or proceeding or his solicitor or agent.

Contents of
notice.

(2) In such notice shall be clearly and explicitly contained the cause of the action, suit or proceeding, the name and place of abode of the person who is to bring the same, and the name and place of abode of the solicitor or agent.

Actions and
proceedings
against officers.

221. Where any action, prosecution or proceeding is commenced against any officer or person mentioned in the next preceding section for any act done in pursuance, or execution, or intended execution of this Act or any Act relating to the revenue, or in respect of any alleged neglect or default in the execution of any such act, duty, or authority, the following provisions shall have effect:—

(a) The action, prosecution, or proceeding shall not lie or be instituted unless it is commenced within six months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within six months next after the ceasing thereof.

(b) Wherever in any such action a judgment is obtained by the defendant, it shall carry costs to be taxed as between solicitor and client.

- (c) Where the proceeding is an action for damages, tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after the tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after the tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of the tender or payment; but this provision shall not affect costs on any injunction in the action.
- (d) If, in the opinion of the court, the plaintiff has not given the defendant a sufficient opportunity of tendering amends before commencement of the proceeding the court may award to the defendant costs to be taxed as between solicitor and client.
- (e) If in any such action, prosecution or proceeding, the court or judge before whom the action is tried certifies that the defendant in such action acted upon reasonable or probable cause, the plaintiff in such action shall not be entitled to more than twenty cents damages nor to any costs of suit, nor shall the defendant be fined more than one dollar.

222. The Commissioner for Finance, with the concurrence of the Governor in Commission, may from time to time make regulations for or relating to the following purposes and matters:

Regulations,
power of
Commissioner
of Finance to
make.

- (1) For declaring what vessels or class of vessels may engage in the coasting trade, and how such trade shall be regulated in any case or class of

cases, and for relaxing or dispensing with any of the requirements of this Act as to vessels engaged in such trade, on any conditions which he sees fit to impose;

Aircraft.

- (2) for applying the provisions of this Act to aircraft arriving at or departing from any place in Newfoundland;

Drawbacks.

- (3) for imposing the conditions under which drawback of duty paid under any Act relating to the revenue may be claimed, and for requiring any person claiming drawback to produce any books of accounts or other documents of whatever nature relating to the goods and for limiting the time within which any drawback shall be payable, and for limiting the size of vessels by which goods may be exported on drawback;

and in so far as he may deem it necessary to meet the circumstances of any special case the Commissioner for Finance may by order modify the application of anything in such regulations subject to such conditions as he may prescribe.

**Regulations,
power of Board
of Customs to
make.**

223. The Board of Customs may from time to time make regulations for or relating to the following purposes and matters:

**Travellers'
baggage.**

- (1) For granting concessions in respect of the personal effects of travellers coming into Newfoundland or returning thereto, or passing through any portion thereof.

**Alcoholic
liquors.**

- (2) For limiting or prescribing the kind and capacity of packages in which alcoholic liquors may be imported, and the conveyances by which, and the ports of entry at which the same may be landed and entered.

- (3) For the removal of goods from one port of entry to another port of entry without payment of duty and for the removal of goods from one vessel to another vessel within the same port for exportation. Transshipment.
- (4) For authorizing the taking of such bonds and security as they deem advisable for the performance of any condition on which any remission or partial remission of duty, indulgence or permission is granted to any person or any other condition made with such person in any matter relating to the Customs and Excise. Bonds.
- (5) For regulating the trade between Newfoundland and St. Pierre and Miquelon in vessels not exceeding one hundred tons net registered tonnage, and the Board of Customs may by such regulations limit and define the ports at which such vessels must report inwards and outwards, and the hours within which such vessels may arrive at such ports. Trade with St. Pierre and Miquelon.

224. All regulations made under this Act shall have effect from and after the day on which the same are published in the Newfoundland Gazette or from and after such later day as is appointed for the purpose in such regulation, and during such time as is therein expressed, or if no time is expressed for that purpose, then until the same are revoked or altered. Regulations,
date of coming
into effect of.

225. The Governor in Commission may from time to time prohibit the exportation or the carrying coastwise of arms, ammunition and explosives, military and naval stores, and any articles which the Governor in Commission deems capable of being converted into or made useful in increasing the quantity of military or naval stores, or being used for purposes of hostility or destruction in war, including provisions or any sort of victual which Munitions of
war, prohibition
of traffic in.

may be used as food by man or as forage for animals; and if any goods so prohibited are exported, carried coastwise or by inland navigation, or water-borne or laden in any railway carriage or other vehicle for the purpose of being so exported or carried, they shall be forfeited.

Affirmations.

226. Whenever any person required to take any oath under this Act or any Act relating to the revenue or any regulations made under such Acts is a person entitled by law to take a solemn affirmation instead of an oath in civil cases, such person may, instead of the oath hereby required, make a solemn affirmation to the same effect; and every person before whom any oath is by any such Act or regulation required or allowed to be taken, or solemn affirmation to be made, shall have full power to administer the same; and such affirmation shall be of the same effect in all respects as if such person had taken an oath.

Power of officers to administer oaths.

227. (1) All officers of Customs, shall by virtue of their office, have full authority to administer all oaths and receive all affirmations and declarations required or authorised by this Act.

Taking of oaths or affirmations abroad.

(2) Every oath or affirmation required to be made out of Newfoundland under the provisions of this Act, in connection with goods, may be made at any place within the United Kingdom, or at any place in His Majesty's possessions abroad, before the collector of Customs of the place where the goods are shipped, or before a notary public, and at any other place before a British Consul or a notary public.

Stamping signature of collector

(3) In the case of entries made in St. John's where a form of oath is duly signed by the importer or by his attorney or by both the importer and his attorney and has been presented to the Customs and a facsimile or stamped signature of the collector has been impressed

thereon by an officer generally authorized by the collector for that purpose, such oath shall be deemed for all purposes, both civil and criminal, to have been duly taken and sworn before such collector.

228. Any oath or declaration which the Board of Customs deems necessary to protect the revenue against fraud, may in any order made by the Board of Customs under this Act, be prescribed; and by any such order a declaration may be substituted for an oath in any case in which an oath is required by this Act. Oaths may be prescribed.

229. The Board of Customs may from time to time prescribe the forms of oaths required under this Act; and the forms of oaths authorized by statute or in use by the Customs at the time of the coming into force of this Act shall continue to be the authorized forms until altered or dispensed with by the Board of Customs. Oaths, form of.

230. All bonds and securities, of what kind and nature soever, authorized to be taken by this Act or by any Act relating to the revenue or by any regulations made under such Acts, shall be taken to and for the use and benefit of His Majesty; and such bonds shall be taken before the performance of any act with regard to which the taking of any such bond or security is required. Bonds, how to be taken.

231.

(1) All bonds and other securities entered into by any person or persons for the performance of any condition or order made under this Act or any Act relating to the revenue or under any regulations made under such Acts shall be valid in law, and upon breach of any of the conditions thereof may be sued and proceeded upon in the same manner as any bond expressly directed or given by or under the provisions of this Act. Bonds, how to be sued on.

Cancellation or
release.

- (2) All bonds or other securities taken under this Act or any Act relating to the revenue or under any regulations made under such Acts may be cancelled or released when the conditions of such bonds have been fulfilled to the satisfaction of the Board of Customs or upon fresh security by bond or otherwise being given to the satisfaction of the Board of Customs.

Bonds under
repealed acts to
be valid.

- (3) All bonds and securities given under or in pursuance of any enactment hereby repealed shall have the same effect as if they had been given or made under or in pursuance of this Act.

Forms, Board
of Customs
may prescribe.
Forms to be
completely,
accurately and
legibly filled
up.

232. All reports, returns, declarations, entries, invoices, certificates of origin, bonds, documents and other papers whether of the aforementioned kinds or not necessary for the transaction of any business under this Act or any other Act relating to the revenue or under any regulations made under such Acts shall be in such form and shall require or indicate such particulars or information and shall be dealt with in such manner as may from time to time be prescribed by the Board of Customs, and shall be completely, accurately and legibly filled up; and where printed forms are provided by the Board of Customs the same shall be used and no other, unless by permission of the Board; and any officer of Customs may refuse to accept any form not properly completed.

Enquiries
departmental,
Commissioner
for Finance
may direct.

233. (1) Whenever the Commissioner for Finance shall direct any inquiry as to any matter relating to the Customs, or as to the conduct of any person employed under the authority of this Act, such inquiry may be held by the Commissioner for Finance or by any person deputed by him either specially for holding any particular inquiry or generally for holding such inquiries; and if on any such inquiry the person holding

the same should require the evidence of any witness on oath, he is hereby authorized and empowered to administer such oath.

- (2) Upon any such inquiry it shall be lawful for the Commissioner for Finance or any other person so deputed to hold the same, to summon from any part of Newfoundland any person required as a witness on such inquiry to attend at the hearing thereof, then and there to give evidence upon oath touching the matter of such inquiry, or otherwise in relation thereto; and every person so summoned, having the reasonable expenses of attendance, if required, tendered to him at the time of service of such summons, who shall neglect to appear in pursuance thereof, or who, having so appeared, shall refuse to be sworn, affirm, give evidence, or answer to the best of his knowledge any question put to him shall be liable on summary conviction upon the complaint of the Commissioner for Finance or of the person deputed to hold the enquiry as aforesaid to a penalty not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding two months.
- (3) The Commissioner for Finance may from time to time make such orders for the conduct of and procedure in such inquiries as he may deem expedient.

234. Every manufacturer of goods which are liable to a duty of Excise shall before commencing to manufacture make entry on the prescribed form of the premises in which such goods are to be manufactured and of all machinery, equipment and utensils to be used in connection with such manufacture.

Bond for
Excise duties
on goods in
entered
premises.

235. Every manufacturer of goods which are liable to a duty of Excise shall give bond in such manner, with such penalty and with such sureties as the Board of Customs shall direct for securing the import duty, if any, payable on materials received into the entered premises and the Excise duty on goods manufactured in such premises.

Accounts to be
kept in
prescribed
form.

236. Every manufacturer of goods which are liable to a duty of Excise shall keep accounts in such form and in such manner and make entries therein at such times as the Board of Customs shall direct showing the quantities and description of materials received into the entered premises, the quantities and description of the materials used in manufacture, and the quantities and description of the goods manufactured and of the disposal of such goods.

Manufacturers
to permit
officers to enter
and inspect.

237. Every manufacturer of goods which are liable to a duty of Excise shall at any reasonable time permit the proper officer of Customs to enter and inspect the premises in which such manufacture is carried on and to inspect and examine all books of account or other documents relating to the receipt of materials and the manufacture and disposal of such goods and to take extracts from or make copies of such accounts or documents.

Excisable goods
to be entered.

238. Every manufacturer of goods which are liable to a duty of Excise shall deliver an entry in the prescribed form of all goods manufactured by him and shall pay the duty thereon to such collector and at such times as the Board of Customs shall direct.

Application of
this Act to
Excise
purposes.

239. The Board of Customs may by regulation apply such provisions of this Act as may be specified in such regulations to premises in or upon which goods liable to a duty of Excise are manufactured or stored.

240. Wherever in this Act it is provided that any regulation or order may be made or that any person, act, matter or thing may be appointed, authorized, done or approved by any authority, the same authority shall have power to vary or rescind such regulation or order or to vary, withdraw, undo or rescind such appointment, authority or approval or to limit or restrict the same in any manner whether as to time or otherwise.

Regulations, orders or appointments, power to vary, rescind, etc.

241. Any regulations made under any Act relating to the Customs and in force at the date of the passing of this Act, shall continue in force until revoked or suspended by regulations made under this Act.

Regulations under repealed Acts to continue in force.

242. Nothing in this Act shall be held to alter any special Treaty rights enjoyed by the subjects of any foreign power under any Treaty affecting Newfoundland.

Saving of Treaty rights of foreign subjects.

243. In this Act the expression "Act relating to the Revenue" shall not be deemed to have reference to the Act 20 Geo. V, Cap. 36, "The Income Tax Act, 1929", or Acts in amendment thereto, or to any Act with reference to Income Tax for the time being in force.

Non-application of provisions to Income Tax Acts.

244. The Acts mentioned in the Schedule hereto are hereby repealed to the extent set forth in the third column thereof.

Repeal.

245. This Act may be cited as The Customs and Excise Act, 1938.

Short title.

*SCHEDULE**Enactments Repealed*

Session and Chapter	Title or Short Title	Extent of Repeal
1. 23 & 24 Geo. V, Cap. 57. Act and Number	The Customs Act, 1933.	The whole Act.
2. 1934 Act No. 16.	An Act to amend the Customs Act, 1933.	The whole Act.
3. 1934 Act No. 44.	An Act further to amend the Customs Act, 1933.	The whole Act.
4. 1934 Act No. 54.	An Act further to amend the Customs Act, 1933.	The whole Act.
5. 1935 Act No. 8.	An Act further to amend the Customs Act, 1933.	The whole Act.
6. 1935 Act No. 25.	An Act further to amend the Customs Act, 1933.	The whole Act.
7. 1936 Act No. 18.	An Act further to amend the Customs Act, 1933.	The whole Act.

AN ACT FURTHER TO AMEND THE REVENUE
ACT, 1935.

[8th April, 1938]

SECTION

- 1.—Repeal of Section 8 of Revenue Act, 1935.
- 2.—(1) Amendments to Schedule A.
- (2) Date of coming into operation.

SECTION

- 3.—(1) Amendments to Schedule A.
- (2) Date of coming into operation.
- 4.—Repeal of Schedule D.

Be it enacted by the Governor, by and with the advice of A.D. 1938.
the Commission of Government, as follows:

1. Section 8 of the Revenue Act, 1935, is hereby repealed. Repeal of
Sec. 8 of
Revenue Act,
1935.
2. (1) Schedule A to the said Act as heretofore amended is hereby further amended as appears in the First Schedule to this Act. Amendments to
Schedule A.
- (2) The amendments shown in the said First Schedule shall be deemed to have had effect as from midnight on the 30th day of November, 1937. Date of
coming into
operation.
3. (1) Schedule A to the said Act as heretofore amended is hereby further amended as appears in the Second Schedule to this Act. Amendments to
Schedule A.
- (2) The amendments shown in the said Second Schedule shall be deemed to have had effect as from midnight on the 31st day of December, 1937. Date of
coming into
operation.
4. Schedule D to the said Act is hereby repealed. Repeal of
Schedule D.

FIRST SCHEDULE

Tariff changes taking effect as from midnight November 30th, 1937.

The several Items set forth in this Schedule are substituted for the Items in Schedule A to the Revenue Act, 1935, as heretofore amended, bearing corresponding numbers; or, in the case of New Items, are inserted in their proper numerical places.

<i>Item No.</i>	<i>Class or Description of Goods</i>	<i>Rates of Duty</i>	
		<i>Full</i>	<i>Pref.</i>
<i>New Item</i>			
131a	Lettuce, ad val	55%	55%
132	Cucumbers, Rhubarb, Squashes and other Vegetables, N.E.S., 1st June to 30th November, both inclusive, ad val.	55%	55%
<i>New Item</i>			
132a	Cucumbers, Rhubarb, Squashes and other Vegetables, N.E.S., 1st December to 31st May, both inclusive, ad val.	15%	15%
133a	Tomatoes, 1st June to 30th November, both inclusive, ad val.	35%	15%
<i>New Item</i>			
133b	Tomatoes, 1st December to 31st May, both inclusive, ad val.	20%	Free

SECOND SCHEDULE

Tariff changes taking effect as from midnight December 31st, 1937.

The several Items set forth in this Schedule are substituted for the Items in Schedule A to the Revenue Act, 1935, as heretofore amended, bearing corresponding numbers; or, in the case of New Items, are inserted in their proper numerical places; and certain Items, words and figures are deleted as shown herein.

<i>Item No.</i>	<i>Class or Description of Goods</i>	<i>Rates of Duty</i>	
		<i>Full</i>	<i>Pref.</i>
20	Farinaceous preparations (proprietary and otherwise), Rice, Flour, Sago, Tapioca, Corn Flour, Farina, Dextrine and Potato Flour, etc., except Starch, ad val.	40%	40%
38	Beef, salted, in barrels, per brl.	\$1.55	\$1.55
39	Pork, salted, including Heads, Jowls, Tongues, etc., in barrels or half-barrels, per brl.	\$1.55	\$1.55
44	Canned Meats, hermetically sealed, known as C. C. Beef, Corned Beef, Corned Beef Hash, Boiled Beef, Luncheon Beef, Roast Beef, Roast Mutton, Boiled Mutton and Brawn, including the weight of immediate coverings, per lb.	\$0.02	\$0.02
45	All other Meats, hermetically sealed in glass, cans or otherwise, N.E.S., ad. val.	40%	40%
65	Cocoa and Chocolate, Cocoa Shells and Nibs, ground or prepared, per lb.	\$0.09½	\$0.09½
100	Sauces and Condiments, unenumerated, sweetened or un-		

	sweetened, including Soy and Chutney, ad val.	40%	40%
102	Spices: — Cinnamon, Ginger, Pepper, Mustard, Nutmegs, Mace, Caraway and all other Spices, ad val.	40%	40%
122	Honey, in the comb or otherwise, and imitations thereof, ad val.	40%	40%
123	Jams and Jellies of Fruit, and Preserves, N.E.S., per lb.....	\$0.08	\$0.06
124	Marmalade, per lb.	\$0.08	\$0.06
126	Molasses, produced in the British West Indies, in the process of the manufacture of Sugar from the Juice of the Sugar Cane, per gal.	\$0.05	\$0.05
133	Onions, per 100 lbs.	\$0.50	\$0.50
151	Yeast, Yeast Cakes, Compressed Yeast, ad val.	50%	50%
<i>New Item</i>			
151a	Baking Powders, per lb.	\$0.10	\$0.10
152	All other Foodstuffs, N.E.S. and N.O.P., ad val.	50%	50%
236	Wax, bees' and paraffin, N.E.S., ad val.	40%	40%
<i>New Item</i>			
237	Wax, Paraffin, solid or chipped, when imported in barrels or bags containing not less than 100 lbs., ad val.	15%	15%
319	Iron Bedsteads, including Spring Mattresses and parts thereof, ad val.	60%	50%
320	Manufactures of Galvanized Iron and Sheet Steel, N.O.P., ad val.	60%	50%

323	Cabinet Wares of Iron, Steel or other Metals, for house, office or store, ad val.	60%	50%
340	Tinware, plain, japanned or lithographed and all manufactures of Tin, N.E.S., ad val.	60%	50%
385	Electric Batteries of all kinds, including storage batteries, Dry Cell Batteries (single and multiple cell), Flashlight Batteries, Galvanic Batteries, Primary and Secondary Batteries, N.E.S., ad val.	40%	30%
421	Ships' Boats, Skiffs, open or decked, Pleasure Sail Boats of any material, Boats or Launches and Dories when propelled by steam, electricity or any other mechanical power, ad val.	60%	60%
422	Canoes, Dories (N.E.S.) and Dory Oars, ad val.	40%	40%

New Item

460	Leather Clothing, ad val.	55%	45%
466	Fur Coats, Jackets, Capes, Muffs, Stoles, Robes, and all manufactures of Furs, and all Garments trimmed or lined with fur where the value of the fur component is more than 5 per cent of the aggregate of the values of all the components of the article, ad val.	55%	45%
467	Hats, Caps, Bonnets, and Hat, Cap and Bonnet Shapes, of any material, ad val.	65%	55%

469	Clothing, Undergarments and sundry Articles of Apparel, N.E.S. and N.O.P., including Shirts, Undervests, and like garments; Braces, Garters, Suspenders, Corsets, Socks and Stockings, Pyjamas and Nightwear, Collars, Cuffs, Handkerchiefs, Scarves, Ties and Belts of all materials, ad val.	40%	30%
<i>New Item</i>			
470	Gloves and Mitts of any material, N.E.S., ad val.	55%	45%
<i>New Item</i>			
490	Harness Leather, N.E.S., ad val.	35%	25%
495	Morocco Leathers, N.O.P., ad val.	45%	45%
497	This Item is hereby deleted.		
501	Manufactures of Leather, not enumerated, ad val.	65%	65%
511	Drain Pipes, Sewer Pipes, Chimney Linings or Vents, Chimney Tops, and Inverted Blocks, Glazed or Unglazed Earthenware, Tiles, Stove Linings, and like manufactures of clay or cement, and Crocks, Jars and Demi-johns of stoneware or earthenware, ad val.	45%	35%
512	Baths, Tubs and Washstands of earthenware, stone, cement, clay or other materials, N.E.S., ad val.	55%	45%
513	China and Porcelain Ware, Earthenware and Stoneware,		

Crown or Coloured and Rock-
ingham Ware, White Granite
or Ironstone Ware, C.C. or
Cream Coloured Ware, Brown
and Cane Ware, decorated,
printed or sponged, and all
earthenware, N.E.S., ad val. 60% 50%

514 Common Colourless Window
Glass, ad val. 45% 45%

515 All other kinds of Glass and
Glassware, N.E.S., including
Silvered Glass, framed or not
framed, ad val. 60% 50%

New Item

566a Paint Brushes, N.E.S., ad val. 25% 15%

598 Matches of all kinds, per gross
of boxes (each box contain-
ing about fifty matches)..... \$0.50 \$0.45

614 Stationery, etc., and Printed
matter, viz: Erasing Rubbers
of all kinds; Sealing Wax,
Mucilage and other Liquid
Gums; Inks for writing; Blue
Prints and Building Plans;
Picture Post Cards and
Christmas and all similar
Cards; Books to be writ-
ten or drawn upon; Blank
Account Books, Pencils of all
kinds, Pens, Penholders and
Rulers of all kinds; Artists'
Paints and Colours, and other
Drawing requisites, ad val. 60% 50%

656 Artificial Limbs and parts for
same; and Artificial Eyes;
Spinal Braces; Ear Telephone
sets for use by deaf persons. Free Free

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1938

Revenue (Amendment) Act

No. 10

M1007	Lard, Lard Stock ; Milk Testing Substances ; Milk Powder ; Cocanut, Cottonseed, Oleo. Olein Beef, Olive, Palm, Sesame and other Oils ; Paraffin Wax, Parchment Liners, Circles and Fasteners ; when imported by manufacturers of Butterine or Oleo-margarine	Free	Free
M1026	This item is hereby deleted.		

AN ACT FURTHER TO AMEND THE ACT NO. 19 OF 1937, ENTITLED "AN ACT TO AUTHORIZE THE UNDERTAKING OF INSURANCE FOR THE PURPOSE OF MAINTAINING THE CODFISH TRADE WITH ITALY".

[20th April, 1938]

SECTION 1.—Amendment to Act No. 19 of 1937; extension of period and amount of insurance.

Be it enacted by the Governor, by and with the advice A.D. 1938.
of the Commission of Government, as follows:

1. The Act No. 19 of 1937 entitled "An Act to authorize the undertaking of insurance for the purpose of maintaining the codfish trade with Italy", as heretofore amended by the Act No. 2 of 1938, is hereby further amended:—

Amendment to Act No. 19 of 1937; extension of period and amount of insurance.

- (a) By striking out of sub-paragraph (i) of Section 1 the figures "\$125,000.00" and substituting therefor the figures "\$200,000.00".
- (b) By striking out of sub-paragraph (ii) of Section 1 the figures "\$250,000.00" and substituting therefor the figures "\$500,000.00".
- (c) By striking out of Section 6 the words "30th day of April 1938" there inserted by the amending Act No. 2 of 1938 and substituting therefor the words "30th day of June 1938".

AN ACT TO AMEND THE SHOP (BARBERS' AND
HAIRDRESSERS') CLOSING HOUR ACT, ST.
JOHN'S.

[20th April, 1938]

SECTION

1.—Amendment Act No. 7 of
1938; late day.

SECTION

2.—Repeal.
3.—Short title.

A.D. 1938.

**Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:**

Amendment
Act No. 7 of
1938; late day.

1. Item 2 in the Schedule to the Shop (Barbers' and
Hairdressers') Closing Hour Act, St. John's is hereby re-
pealed and the following substituted therefor:

2. Saturday in any week, not
being a whole holiday,

or

Friday in any week, not
being a whole holiday,
when Saturday is a whole
holiday,

or

Thursday in any week, not
being a whole holiday, when
Friday and Saturday are
whole holidays.

2. 8.30 a.m. to 10.30 p.m.

Repeal.

2. Section 11 of the said Act is hereby repealed.

Short title.

3. This Act and the Act No. 7 of 1938 may be cited
together as the Shop Hours (St. John's Barbers) Acts
1938.

AN ACT FURTHER TO AMEND CHAPTER 216 OF
THE CONSOLIDATED STATUTES (THIRD SER-
IES) ENTITLED "OF THE EMPLOYMENT OF
MEN ENGAGED IN LOGGING".

[20th April, 1938]

SECTION 1.—Further suspension of operation of Sec. 19, Cap. 216,
C.S. (3rd Series).

Be it enacted by the Governor, by and with the advice of A.D. 1938.
the Commission of Government, as follows:

1. The operation of Section 19 of Chapter 216 of the Further
Consolidated Statutes of Newfoundland (Third Series) suspension of
entitled "Of the Employment of Men Engaged in Log- operation of
ging" added to the said Chapter by the Act 22 George V, 216 C.S. (3rd
Chapter 21, and suspended by the Act 23 and 24 George Series).
V. Chapter 37, and the Act No. 14 of 1935, is hereby fur-
ther suspended until the first day of October, 1938.

AN ACT RELATING TO THE NOMENCLATURE BOARD

[28 May, 1938]

SECTION

- 1.—Nomenclature Board.
- 2.—Personnel and quorum of Board.
- 3.—Meetings.
- 4.—Powers of Board.

SECTION

- 5.—Power of Governor in Commission to name, etc.
- 6.—Power as to spelling, etc.
- 7.—Repeal.
- 8.—Short title.

A.D. 1938.

**Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:**

Nomenclature
Board.

1. The Governor in Commission shall appoint for the purposes of this Act a Board to be called the Nomenclature Board.

Personnel and
quorum of
Board.

2. The Board shall consist of seven persons and the Secretary for Posts and Telegraphs for the time being shall be an ex officio member and the chairman thereof. A quorum of the said Board shall be four members.

Meetings.

3. The Board shall meet at such times and places as shall be determined by the chairman.

Powers of
Board.

4. The Board shall have power to recommend to the Governor in Commission the naming or re-naming of any town, village or settlement or any geographical feature in Newfoundland, and may in addition recommend names for roads, bridges or other man-made ways of communications in Newfoundland not coming under the jurisdiction of any legally constituted municipal or local authority.

Power of
Governor in
Commission to
name, etc.

5. The Governor in Commission may by proclamation give a name to or change the name of any town, village, settlement, geographical feature or man-made way of communication, subject to the provisions of the next preceding section: Provided that no name shall be so given or altered unless and until notice of such proposed

naming or alteration of name shall have been published in the Newfoundland Gazette and one other newspaper published in the Island once every week for a period of three months.

6. The Nomenclature Board shall be the ultimate Power as to authority in respect of the pronunciation and spelling of ^{spelling, etc.} all place names in Newfoundland.

7. Sections 101 and 102 of Chapter 35 of the Consolidated Statutes (Third Series) entitled "Of the Postal and Telegraph Services" are hereby repealed.

8. This Act may be cited as the Nomenclature Board Short title. Act, 1938.

AN ACT TO AMEND THE PUBLIC WORKS ACT, 1935.

[28 May, 1938]

A.D. 1938.

1.—Repeal and substitution Sec. 7 (11).

Repeal and
substitution
Sec. 7 (11).

**Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:**

1. Sub-section (11) of Section 7 of the Public Works Act, 1935, is hereby repealed and the following is substituted therefor:

(11) Mineral lands, mines, minerals and quarries and the regulation of mines and the investigation of accidents therein.

AN ACT TO AMEND THE PUBLIC LIBRARIES
ACT, 1935.

[28 May, 1938]

SECTION 1.—Amendment Section 2 (1), No. 7 of 1935.

Be it enacted by the Governor, by and with the advice of A.D. 1938.
the Commission of Government, as follows:—

1. Sub-section (1) of Section 2 of the Act No. 7 of Amendment
1935 (The Public Libraries Act, 1935) is hereby amended Sec. 2 (1),
by striking out the word “eighteen” and substituting No. 7 of 1935.
therefor the word “twenty-five”.

AN ACT FURTHER TO AMEND THE CROWN
LANDS ACT, 1930.

[28 May, 1938]

1.—Repeal and substitution Sec. 2 (g); Minister defined.

A.D. 1938.

**Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:**

Repeal and
substitution
Sec. 2 (g);
Minister
defined.

1. Sub-section (g) of Section 2 of the Crown Lands
Act 1930 is hereby repealed and the following substituted
therefor:—

(g) “Minister”, for the purposes of Part V of this
Act entitled “Mineral Lands” and for the
purposes of any other sections of this Act and
amending Acts dealing with mineral lands,
mines, minerals and quarries, shall mean the
Commissioner for Public Utilities; and for all
other purposes of this Act the word “Min-
ister” shall mean the Commissioner for Nat-
ural Resources.

AN ACT FURTHER TO AMEND THE DEPARTMENT
OF NATURAL RESOURCES ACT, 1934.

[28 May, 1938]

SECTION 1.—Repeal Section 10 (7), No. 49 of 1934.

Be it enacted by the Governor, by and with the advice of A.D. 1938.
the Commission of Government, as follows:

1. Sub-section (7) of Section 10 of the Act No. 49 of Repeal Section
1934, entitled “An Act relating to the Department of 10 (7), No. 49
Natural Resources” is hereby repealed. of 1934.

**AN ACT TO AMEND THE LOCAL ADMINISTRATION
ACT, 1937.**

[2nd June, 1938]

SECTION

1.—Local government area
surrounding airport; Com-
missioner for Public Utili-

SECTION

ties may act as Council
for.
2.—Cancellation of orders un-
der Section 1.

A.D. 1938

**Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:**

Local
government
area
surrounding
airport;
Commissioner
for Public
Utilities may
act as Council
for.

1. In the case of a local government area created under the Local Administration Act, 1937, which surrounds or includes any airport or the site of a projected airport, the Governor in Commission may in lieu of an order under Section 4 of the said Act appointing a local council, make an order appointing the Commissioner for Public Utilities to act in place of a local council; and thereupon such consequences shall follow as if a local council had been appointed and the Commissioner shall have all the powers, duties and authority of a local council and of the Chairman thereof and of the Commissioner for Home Affairs and Education under the said Act save the powers set forth in Section 30 of the said Act.

Cancellation of
orders under
Section 1.

2. The Governor in Commission may at any time cancel an order made under the preceding section and make in lieu thereof an order under Section 4 aforesaid.

AN ACT TO EXTEND THE PROVISIONS FOR THE ENFORCEMENT IN NEWFOUNDLAND OF JUDGMENTS GIVEN IN HIS MAJESTY'S DOMINIONS OUTSIDE OF NEWFOUNDLAND AND TO PROVIDE FOR THE ENFORCEMENT IN NEWFOUNDLAND OF JUDGMENTS GIVEN IN FOREIGN COUNTRIES WHICH ACCORD RECIPROCAL TREATMENT TO JUDGMENTS GIVEN IN NEWFOUNDLAND, FOR FACILITATING THE ENFORCEMENT IN HIS MAJESTY'S DOMINIONS OUTSIDE OF NEWFOUNDLAND AND IN FOREIGN COUNTRIES OF JUDGMENTS GIVEN IN NEWFOUNDLAND AND FOR OTHER PURPOSES IN CONNECTION WITH THE MATTERS AFORESAID.

[28 June, 1938]

SECTION

- 1.—Interpretation.
- 2.—Judgments obtained in United Kingdom; application of Act to.
- 3.—Judgments obtained in British Empire or foreign countries; application of Act to.
- 4.—Superior Courts; what Courts to be deemed.
- 5.—Judgments to which this part of this Act applies.
- 6.—Application for, and effect of, registration of foreign judgment.
- 7.—Rules of court.
- 8.—Cases in which registered judgments shall, or may, be set aside.

SECTION

- 9.—Powers of registering court on application to set aside registration.
- 10.—Foreign judgments which can be registered not to be enforceable otherwise.
- 11.—General effect of certain foreign judgments.
- 12.—Power to make foreign judgments unenforceable in Newfoundland if no reciprocity.
- 13.—Issue of certificates of judgments obtained in Newfoundland.
- 14.—Repeal.
- 15.—Short title.

Be it enacted by the Governor, by and with the advice of A.D. 1938.
the Commission of Government, as follows:

INTERPRETATION

Interpretation.

1. (1) In this Act unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

(a) “appeal” includes any proceeding by way of discharging or setting aside a judgment or an application for a new trial or a stay of execution.

(b) “country of the original court” means the country in which the original court is situated.

(c) “judgment” means a judgment or order given or made by a court in any civil proceedings, or a judgment or order given or made by a court in any criminal proceedings for the payment of a sum of money in respect of compensation or damages to an injured party.

(d) “judgment creditor” means the person in whose favour the judgment was given and includes any person in whom the rights under the judgment have become vested by succession or assignment or otherwise.

(e) “judgment debtor” means the person against whom the judgment was given, and includes any person against whom the judgment is enforceable under the law of the original court.

(f) “judgments given in the superior courts of the United Kingdom” means judgments given in the High Court in England, the Court of Session in Scotland, the High Court in Northern Ireland, the Court of

Chancery of the County Palatine of Lancaster or the Court of Chancery of the County Palatine of Durham and includes judgments given in any courts on appeals against any judgments so given.

- (g) “original court” in relation to any judgment means the court by which the judgment was given.
 - (h) “prescribed” means prescribed by rules of court.
 - (i) “registration” means registration under Part I of this Act and the expressions “register” and “registered” shall be construed accordingly.
- (2) For the purpose of this Act, the expression “action in personam” shall not be deemed to include any matrimonial cause or any proceedings in connection with any of the following matters, that is to say, matrimonial matters, administration of the estates of deceased persons, bankruptcy, winding up of companies, lunacy, or guardianship of infants.

PART I.

REGISTRATION OF FOREIGN JUDGMENTS,

Judgments
obtained in
United King-
dom; applica-
tion of Act to.

2. This part of this Act shall extend to judgments obtained in Superior Courts in the United Kingdom.

Judgments
obtained in
British Empire
or foreign
countries; ap-
plication of
Act to.

3. The Governor in Commission if he is satisfied that in the event of the benefits conferred by this Part of this Act being extended to judgments given in the superior courts of any country, whether any of His Majesty's Dominions or a foreign country, substantial reciprocity of treatment will be assured as respects the enforcement in that country of judgments given in the Supreme Court of Newfoundland, may by Order in Commission direct that this Part of this Act shall extend to that country.

Superior
Courts; what
courts to be
deemed,

4. The Governor in Commission may by Order in Commission direct that such courts of any of His Majesty's Dominions or of any foreign country as are specified in the Order shall be deemed superior courts of that country for the purposes of this Part of this Act.

Judgments to
which this
Part of this
Act applies.

5. (1) Any judgment of a superior court of a country to which this Part of this Act extends other than a judgment of such a court given on appeal from a court which is not a superior court shall be a judgment to which this Part of this Act applies if—

(a) it is final and conclusive as between the parties thereto; and

(b) there is payable thereunder a sum of money not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty; and

- (c) being a judgment in a country other than the United Kingdom it is given after the coming into operation of the Order in Commission directing that this Part of this Act shall extend to that country; or
- (d) being a judgment in the United Kingdom it is given after the coming into operation of this Act.
- (2) For the purposes of this section a judgment shall be deemed to be final and conclusive notwithstanding that an appeal may be pending against it, or that it may still be subject to appeal, in the courts of the country of the original court.
6. (1) A person being a judgment creditor under a judgment to which this Part of this Act applies may apply to the Supreme Court of Newfoundland at any time within six years after the date of the judgment, or, where there have been proceedings by way of appeal against the judgment, after the date of the last judgment given in those proceedings, to have the judgment registered in the Supreme Court, and on any such application the court shall, subject to proof of the prescribed matters and to the other provisions of the Act, order the judgment to be registered: Provided that a judgment shall not be registered if at the date of the application—
- Application
for, and effect
of, registration
of foreign
judgment.
- (a) it has been wholly satisfied; or
- (b) it could not be enforced by execution in the country of the original court.
- (2) Subject to the provisions of this Act with respect to the setting aside of registration—

- (a) a registered judgment shall, for the purposes of execution, be of the same force and effect; and
- (b) proceedings may be taken on a registered judgment; and
- (c) the sum for which a judgment is registered shall carry interest; and
- (d) the Supreme Court shall have the same control over the execution of a registered judgment;

as if the judgment had been a judgment originally given in the Supreme Court and entered on the date of registration:

Provided that execution shall not issue on the judgment so long as, under this Part of this Act and the Rules of Court made thereunder, it is competent for any party to make an application to have the registration of the judgment set aside, or, where such an application is made, until after the application has been finally determined.

- (3) Where the sum payable under a judgment which is to be registered is expressed in a currency other than the currency of Newfoundland, the judgment shall be registered as if it were a judgment for such sum in the currency of Newfoundland, as on the basis of the rate of exchange prevailing at the date of the judgment of the original court, is equivalent to the sum so payable.
- (4) If at the date of the application for registration the judgment of the original court has been partly satisfied the judgment shall not be

registered in respect of the whole sum payable under the judgment of the original court, but only in respect of the balance remaining payable at that date.

- (5) If on an application for the registration of a judgment, it appears to the Supreme Court that the judgment is in respect of different matters and that some, but not all, of the provisions of the judgment are such that if those provisions had been contained in separate judgments those judgments could properly have been registered, the judgment may be registered in respect of the provisions aforesaid but not in respect of any other provisions contained therein.
- (6) In addition to the sum of money payable under the judgment of the original court, including any interest which by the law of the country of the original court becomes due under the judgment up to the time of registration, the judgment shall be registered for the reasonable costs of and incidental to registration, including the costs of obtaining a certified copy of the judgment from the original court.

7. (1) The power to make rules of court under Section 277 of the Judicature Act shall, subject to the provisions of this section, include power to make rules for the following purposes—

Rules of
court.

- (a) For making provision with respect to the giving of security for costs by persons applying for the registration of judgments.
- (b) For prescribing the matters to be proved on an application for the registration of a judgment and for regulating the mode of proving those matters.

- (c) For providing for the service on the judgment debtor of notice of the registration of a judgment.
 - (d) For making provision with respect to the fixing of the period within which an application may be made to have the registration of the judgment set aside and with respect to the extension of the period so fixed.
 - (e) For prescribing the method by which any question arising under this Act whether a judgment can be enforced by execution in the country of the original court, or what interest is payable under a judgment under the law of the original court, is to be determined.
 - (f) For prescribing any matter which under this Part of this Act is to be prescribed.
- (2) Rules made for the purposes of this Part of this Act shall be expressed to have, and shall have, effect subject to any such provisions contained in Orders in Commission made under Section 3 of this Act as are declared by the said Orders to be necessary for giving effect to agreements made between the Government of Newfoundland and other countries in relation to matters with respect to which there is power to make rules of court for the purposes of this Part of this Act.

Cases in which registered judgments shall, or may, be set aside.

8. (1) On an application in that behalf duly made by any party against whom a registered judgment may be enforced, the registration of the judgment—

(a) shall be set aside if the Court is satisfied—

- (i) that the judgment is not a judgment to which this Part of this Act applies or was registered in contravention of the foregoing provisions of this Act; or
 - (ii) that the courts of the country of the original court had no jurisdiction in the circumstances of the case; or
 - (iii) that the judgment debtor, being the defendant in the proceedings in the original court, did not (notwithstanding that process may have been duly served on him in accordance with the law of the country of the original court) receive notice of those proceedings in sufficient time to enable him to defend the proceedings and did not appear; or
 - (iv) that the judgment was obtained by fraud; or
 - (v) that the enforcement of the judgment would be contrary to public policy in Newfoundland; or
 - (vi) that the rights under the judgment are not vested in the person by whom the application for registration was made;
- (b) may be set aside if the court is satisfied that the matter in dispute in the proceedings in the original court had before the date of the judgment in the original court been the subject of a final and conclusive judgment by a court having jurisdiction in the matter.

(2) For the purposes of this section the courts of the country of the original court shall, subject to the provisions of sub-section (3) of this section, be deemed to have had jurisdiction—

(a) in the case of a judgment given in an action in personam—

(i) if the judgment debtor, being a defendant in the original court, submitted to the jurisdiction of that court by voluntarily appearing in the proceedings otherwise than for the purpose of protecting, or obtaining the release of, property seized, or threatened with seizure, in the proceedings or of contesting the jurisdiction of that court; or

(ii) if the judgment debtor was plaintiff in, or counter-claimed in, the proceedings in the original court; or

(iii) if the judgment debtor, being a defendant in the original court, had before the commencement of the proceedings agreed, in respect of the subject matter of the proceedings, to submit to the jurisdiction of that court or of the courts of the country of that court; or

(iv) if the judgment debtor, being a defendant in the original court, was at the time when the proceedings were instituted resident in, or being a body corporate had its principal place of business in, the country of that court; or

- (v) if the judgment debtor, being a defendant in the original court, had an office or place of business in the country of that court and the proceedings in that court were in respect of a transaction effected through or at that office or place;
 - (b) in the case of a judgment given in an action of which the subject matter was immovable property or in an action in rem of which the subject matter was moveable property, if the property in question was at the time of the proceedings in the original court situate in the country of **that court**;
 - (c) in the case of a judgment given in an action other than any such action as is mentioned in paragraph (a) or paragraph (b) of this sub-section, if the jurisdiction of the original court is recognized by the law of Newfoundland.
- (3) Notwithstanding anything in sub-section (2) of this section, the courts of the country of the original court shall not be deemed to have had jurisdiction—
- (a) if the subject matter of the proceedings was immovable property outside the country of the original court; or
 - (b) except in cases mentioned in sub-paragraphs (i), (ii), and (iii) of paragraph (a) and in paragraph (c) of sub-section (2) of this section, if the bringing of proceedings in the original court was contrary to an agreement under which the dispute in question was to be settled otherwise than

by proceedings in the courts of the country of that court; or

- (c) if the judgment debtor, being a defendant in the original proceedings, was a person who under the rules of public international law was entitled to immunity from the jurisdiction of the courts of the country of the original court and did not submit to the jurisdiction of that court.

Powers of
registering
court on
application to
set aside
registration.

9. (1) If on an application to set aside the registration of a judgment, the applicant satisfies the court either that an appeal is pending, or that he is entitled and intends to appeal, against the judgment, the court, if it thinks fit, may, on such terms as it may think just, either set aside the registration or adjourn the application to set aside the registration until after the expiration of such period as appears to the court to be reasonably sufficient to enable the applicant to take the necessary steps to have the appeal disposed of by the competent tribunal.
- (2) Where the registration of a judgment is set aside under the last foregoing sub-section, or solely for the reason that the judgment was not at the date of the application for registration enforceable by execution in the country of the original court, the setting aside of the registration shall not prejudice a further application to register the judgment when the appeal has been disposed of or if and when the judgment becomes enforceable by execution in that country, as the case may be.
- (3) Where the registration of a judgment is set aside solely for the reason that the judgment, notwithstanding that it had at the date of the

application for registration been partly satisfied, was registered for the whole sum payable thereunder, the court shall, on the application of the judgment creditor, order judgment to be registered for the balance remaining payable at that date.

10. No proceedings for the recovery of a sum payable under a judgment, being a judgment to which this Part of this Act applies, other than proceedings by way of registration of the judgment, shall be entertained in Newfoundland.

Foreign judgments which can be registered not to be enforceable otherwise.

PART II

MISCELLANEOUS AND GENERAL

11. (1) Subject to the provisions of this section, a judgment to which Part I of this Act applies or would have applied if a sum of money had been payable thereunder, whether it can be registered or not, and whether, if it can be registered, it is registered or not, shall be recognized in any Court in Newfoundland as conclusive between the parties thereto in all proceedings founded on the same cause of action and may be relied on by way of defence or counter-claim in any such proceedings.

General effect of certain foreign judgments.

(2) This section shall not apply in the case of any judgment—

(a) where the judgment has been registered and the registration thereof has been set aside on some ground other than—

(i) that a sum of money was not payable under the judgment; or

(ii) that the judgment had been wholly or partly satisfied; or

- (iii) that at the date of the application the judgment could not be enforced by execution in the country of the original court; or
 - (b) where the judgment has not been registered, it is shown (whether it could have been registered or not) that if it had been registered the registration thereof would have been set aside on an application for that purpose on some ground other than one of the grounds specified in paragraph (a) of this sub-section.
- (3) Nothing in this section shall be taken to prevent any court in Newfoundland recognizing any judgment as conclusive of any matter of law or fact decided therein if that judgment would have been so recognised before the passing of this Act.

Power to make foreign judgments unenforceable in Newfoundland, if no reciprocity.

12. (1) If it appears to the Governor in Commission that the treatment in respect of recognition and enforcement accorded by the courts of any other country other than the United Kingdom to judgments given in the Supreme Court of Newfoundland is substantially less favourable than that accorded by the Supreme Court to judgments of the superior courts of that country the Governor in Commission may by Order in Commission apply this section to that country.
- (2) Except in so far as the Governor may by Order in Commission under this section otherwise direct, no proceedings shall be entertained in any court in Newfoundland for the recovery of any sum alleged to be payable under a judgment given in a court of a country to which this section applies.

13. Where a judgment under which a sum of money is payable, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty, has been entered in the Supreme Court against any person and the judgment creditor is desirous of enforcing the judgment in a country to which Part I of this Act applies, the Court shall, on application made by the judgment creditor and on payment of such fee as may be fixed for the purposes of this section under Section 277 of the Judicature Act issue to the judgment creditor a certified copy of the judgment, together with a certificate containing such particulars with respect to the action, including the cause of action, and the rate of interest, if any, payable on the sum payable under the judgment, as may be prescribed:

Issue of
certificates of
judgments
obtained in
Newfoundland

Provided that, where execution of a judgment is stayed for any period pending an appeal or for any other reason, an application shall not be made under this section with respect to the judgment until the expiration of that period.

14. The Judgments Extension Act 1922 is hereby Repealed.

15. This Act may be cited as The Foreign Judgments Short title.
Enforcement Act, 1938.

AN ACT FURTHER TO AMEND THE ST. JOHN'S
MUNICIPAL ACT, 1921.

[5 July, 1938]

SECTION 1.—Amendment Sec. 24 St. John's Municipal Act,
1921; remuneration of Mayor and Councillors.

A.D. 1938.

**Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:**

Amendment
Sec. 24 St.
John's Muni-
cipal Act, 1921; for:
remuneration
of Mayor and
Councillors.

1. Section 24 of the St. John's Municipal Act, 1921,
is hereby repealed, and the following substituted there-
for:

24. (1) Out of the funds at the disposal of the
Council the Mayor shall be paid a salary of
one thousand six hundred dollars per
annum, and each of the Councillors shall be
paid a salary of eight hundred dollars per
annum.

(2) The said salaries shall be paid monthly, and
shall be deemed to have become payable
from the first day of January of the present
year; and arrears due up to the time of the
passing of this Act shall be payable upon the
passing of this Act, less such sums as shall
already have been paid to the Mayor and
Councillors in respect of the period since
January first, 1938, under the law existing
before the passing of this Act.

AN ACT TO GIVE EFFECT TO A CONVENTION
FOR THE UNIFICATION OF CERTAIN RULES
RELATING TO INTERNATIONAL CARRIAGE
BY AIR.

[6th August, 1938]

SECTION

1. Interpretation.
2. Provisions of Convention to have force of law.
3. Submission to jurisdiction of Court.

SECTION

4. Publication of orders.
5. Short title.
- First Schedule.
- Second Schedule.

Be it enacted by the Governor, by and with the advice ^{A.D. 1938.}
of the Commission of Government, as follows:

1. In this Act "the Convention" means the International Convention for the Unification of certain Rules relating to International Carriage by Air signed at Warsaw on the 12th day of October, 1929. ^{Interpretation.}

2. (1) As from such day as the Governor in Commission may by Order in Commission certify to be the day on which the Convention comes into force as regards Newfoundland the provisions thereof as set out in the First Schedule to this Act shall, so far as they relate to the rights and liabilities of carriers, passengers, consignors, consignees and other persons and subject to the provisions of this section have the force of law in Newfoundland in relation to any carriage by air to which the Convention applies, irrespective of the nationality of the aircraft performing that carriage. ^{Provisions of Convention to have force of law.}

(2) The Governor in Commission may by Order in Commission from time to time certify who are the High Contracting Parties to the Conven-

tion, in respect of what territories they are respectively parties and to what extent they have availed themselves of the provisions of the Additional Protocol to the Convention, and any such Order shall, except in so far as it has been superseded by a subsequent Order be conclusive evidence of the matters so certified.

- (3) Any reference in the said First Schedule to the territory of any High Contracting Party to the Convention shall be construed as a reference to the territories subject to his sovereignty, suzerainty, mandate or authority, in respect of which he is a party.
- (4) Any liability imposed by Article 17 of the said First Schedule on a carrier in respect of the death of a passenger shall be in substitution for any liability of the carrier in respect of the death of that passenger under any other law, and the provisions set out in the Second Schedule to this Act shall have effect with respect to the persons by and for whose benefit the liability so imposed is enforceable and with respect to the manner in which it may be enforced.
- (5) Any sum in francs mentioned in Article 22 of the said First Schedule shall, for the purposes of any action against a carrier, be converted into Newfoundland currency at the rate of exchange prevailing on the date on which the amount of any damages to be paid by the carrier is ascertained by the court.

Submission to
jurisdiction of
Court.

3. Every High Contracting Party to the Convention who has not availed himself of the provisions of the Ad-

ditional Protocol thereto shall, for the purposes of any action brought in a Court in Newfoundland in accordance with the provisions of Article 28 of the said First Schedule to enforce a claim in respect of carriage undertaken by him, be deemed to have submitted to the jurisdiction of that court, and accordingly rules of Court may provide for the manner in which any such action is to be commenced and carried on; but nothing in this section shall authorize the issue of execution against the property of any High Contracting Party.

4. Orders in Commission made hereunder shall be ^{Publication} published in the Newfoundland Gazette and have effect ^{of orders.} from the date of such publication or from such later date, if any, as may be stated in such Order.

5. This Act may be cited as the Carriage by Air Act, ^{Short title.} 1938.

FIRST SCHEDULE**CONVENTION FOR THE UNIFICATION OF CERTAIN
RULES RELATING TO INTERNATIONAL
CARRIAGE BY AIR****Chapter I.****SCOPE—DEFINITIONS****Article 1.**

(1) This Convention applies to all international carriage of persons, luggage or goods performed by aircraft for reward. It applies equally to gratuitous carriage by aircraft performed by an air transport undertaking.

(2) For the purposes of this Convention the expression "international carriage" means any carriage in which, according to the contract made by the parties, the place of departure and the place of destination, whether or not there be a break in the carriage or a transshipment, are situated either within the territories of two High Contracting Parties, or within the territory of a single High Contracting Party, if there is an agreed stopping place within a territory subject to the sovereignty, suzerainty, mandate or authority of another Power, even though that Power is not a party to this Convention. A carriage without such an agreed stopping place between territories subject to the sovereignty, suzerainty, mandate or authority of the same High Contracting Party is not deemed to be international for the purposes of this Convention.

(3) A carriage to be performed by several successive air carriers is deemed, for the purposes of this Convention, to be one undivided carriage, if it has been regarded

by the parties as a single operation, whether it had been agreed upon under the form of a single contract or of a series of contracts, and it does not lose its international character merely because one contract or a series of contracts is to be performed entirely within a territory subject to the sovereignty, suzerainty, mandate or authority of the same High Contracting Party.

Article 2.

(1) This Convention applies to carriage performed by the State or by legally constituted public bodies provided it falls within the conditions laid down in Article 1.

(2) This Convention does not apply to carriage performed under the terms of any international postal Convention.

Chapter II.

DOCUMENTS OF CARRIAGE.

SECTION 1.—PASSENGER TICKET.

Article 3.

(1) For the carriage of passengers the carrier must deliver a passenger ticket which shall contain the following particulars:

- (a) the place and date of issue;
- (b) the place of departure and of destination;
- (c) the agreed stopping places, provided that the carrier may reserve the right to alter the stopping places in case of necessity, and that if

he exercises that right, the alteration shall not have the effect of depriving the carriage of its international character;

(d) the name and address of the carrier or carriers;

(e) a statement that the carriage is subject to the rules relating to liability established by this Convention.

(2) The absence, irregularity or loss of the passenger ticket does not affect the existence or the validity of the contract of carriage, which shall none the less be subject to the rules of this Convention. Nevertheless, if the carrier accepts a passenger without a passenger ticket having been delivered he shall not be entitled to avail himself of those provisions of this Convention which exclude or limit his liability.

SECTION 2.—LUGGAGE TICKET.

Article 4.

(1) For the carriage of luggage, other than small personal objects of which the passenger takes charge himself, the carrier must deliver a luggage ticket.

(2) The luggage ticket shall be made out in duplicate, one part for the passenger and the other part for the carrier.

(3) The luggage ticket shall contain the following particulars:

(a) the place and date of issue;

(b) the place of departure and of destination;

- (c) the name and address of the carrier or carriers;
- (d) the number of the passenger ticket;
- (e) a statement that delivery of the luggage will be made to the bearer of the luggage ticket;
- (f) the number and weight of the packages;
- (g) the amount of the value declared in accordance with Article 22 (2);
- (h) a statement that the carrier is subject to the rules relating to liability established by this Convention.

(4) The absence, irregularity or loss of the luggage ticket does not affect the existence or the validity of the contract of carriage, which shall none the less be subject to the rules of this Convention. Nevertheless, if the carrier accepts luggage without a luggage ticket having been delivered, or if the luggage ticket does not contain the particulars set out at (d), (f) and (h) above, the carrier shall not be entitled to avail himself of those provisions of the Convention which exclude or limit his liability.

SECTION 3.—AIR CONSIGNMENT NOTE

Article 5.

(1) Every carrier of goods has the right to require the consignor to make out and hand over to him a document called an "air consignment note"; every consignor has the right to require the carrier to accept this document.

(2) The absence, irregularity or loss of this document does not affect the existence or the validity of the contract of carriage which shall, subject to the provisions of Article 9, be none the less governed by the rules of this Convention.

Article 6.

(1) The air consignment note shall be made out by the consignor in three original parts and be handed over with the goods.

(2) The first part shall be marked "for the carrier", and shall be signed by the consignor. The second part shall be marked "for the consignee"; it shall be signed by the consignor and by the carrier and shall accompany the goods. The third part shall be signed by the carrier and handed by him to the consignor after the goods have been accepted.

(3) The carrier shall sign on acceptance of the goods.

(4) The signature of the carrier may be stamped; that of the consignor may be printed or stamped.

(5) If, at the request of the consignor, the carrier makes out the air consignment note, he shall be deemed, subject to proof to the contrary, to have done so on behalf of the consignor.

Article 7.

The carrier of goods has the right to require the consignor to make out separate consignment notes when there is more than one package.

Article 8.

The air consignment note shall contain the following particulars:

- (a) the place and date of its execution;
- (b) the place of departure and of destination;
- (c) the agreed stopping places, provided that the carrier may reserve the right to alter the stopping places in case of necessity, and that if he exercises that right the alteration shall not have the effect of depriving the carriage of its international character;
- (d) the name and address of the consignor;
- (e) the name and address of the first carrier;
- (f) the name and address of the consignee, if the case so requires;
- (g) the nature of the goods;
- (h) the number of the packages, the method of packing and the particular marks or numbers upon them;
- (i) the weight, the quantity and the volume or dimensions of the goods;
- (j) the apparent condition of the goods and of the packing;
- (k) the freight, if it has been agreed upon, the date and place of payment, and the person who is to pay it;
- (l) if the goods are sent for payment on delivery, the price of the goods, and if the case so requires, the amount of the expenses incurred;

- (m) the amount of the value declared in accordance with Article 22 (2);
- (n) the number of parts of the air consignment note;
- (o) the documents handed to the carrier to accompany the air consignment note;
- (p) the time fixed for the completion of the carriage and a brief note of the route to be followed, if these matters have been agreed upon;
- (q) a statement that the carriage is subject to the rules relating to liability established by this Convention.

Article 9.

If the carrier accepts goods without an air consignment note having been made out, or if the air consignment note does not contain all the particulars set out in Article 8 (a) to (i) inclusive and (q), the carrier shall not be entitled to avail himself of the provisions of this Convention which exclude or limit his liability.

Article 10.

(1) The consignor is responsible for the correctness of the particulars and statements relating to the goods which he inserts in the air consignment note.

(2) The consignor will be liable for all damage suffered by the carrier or any other person by reason of the irregularity, in correctness or incompleteness of the said particulars and statements.

Article 11.

(1) The air consignment note is *prima facie* evidence of the conclusion of the contract, of the receipt of the goods and of the conditions of carriage.

(2) The statements in the air consignment note relating to the weight, dimensions and packing of the goods, as well as those relating to the number of packages, are *prima facie* evidence of the facts stated; those relating to the quantity, volume and condition of the goods do not constitute evidence against the carrier except so far as they both have been, and are stated in the air consignment note to have been, checked by him in the presence of the consignor, or relate to the apparent condition of the goods.

Article 12.

(1) Subject to his liability to carry out all his obligations under the contract of carriage, the consignor has the right to dispose of the goods, by withdrawing them at the aerodrome of departure or destination, or by stopping them in the course of the journey on any landing, or by calling for them to be delivered at the places of destination or in the course of the journey to a person other than the consignee named in the air consignment note, or by requiring them to be returned to the aerodrome of departure. He must not exercise this right of disposition in such a way as to prejudice the carrier or other consignors and he must repay any expenses occasioned by the exercise of this right.

(2) If it is impossible to carry out the orders of the consignor the carrier must so inform him forthwith.

(3) If the carrier obeys the orders of the consignor for the disposition of the goods without requiring the

production of the part of the air consignment note delivered to the latter, he will be liable, without prejudice to his right of recovery from the consignor, for any damage which may be caused thereby to any person who is lawfully in possession of that part of the air consignment note.

(4) The right conferred on the consignor ceases at the moment when that of the consignee begins in accordance with Article 13. Nevertheless, if the consignee declines to accept the consignment note or the goods, or if he cannot be communicated with, the consignor resumes his right of disposition.

Article 13.

(1) Except in the circumstances set out in the preceding Article, the consignee is entitled, on arrival of the goods at the place of destination, to require the carrier to hand over to him the air consignment note and to deliver the goods to him, on payment of the charges due and on complying with the conditions of carriage set out in the air consignment note.

(2) Unless it is otherwise agreed, it is the duty of the carrier to give notice to the consignee as soon as the goods arrive.

(3) If the carrier admits the loss of the goods, or if the goods have not arrived at the expiration of seven days after the date on which they ought to have arrived, the consignee is entitled to put into force against the carrier the rights which flow from the contract of carriage.

Article 14.

The consignor and the consignee can respectively enforce all the rights given them by Articles 12 and 13,

each in his own name, whether he is acting in his own interest or in the interest of another, provided that he carries out the obligations imposed by the contract.

Article 15

(1) Articles 12, 13 and 14 do not affect either the relations of the consignor or the consignee with each other or the mutual relations of third parties whose rights are derived either from the consignor or from the consignee.

(2) The provisions of Articles 12, 13 and 14 can only be varied by express provision in the air consignment note.

Article 16.

(1) The consignor must furnish such information and attach to the air consignment note such documents as are necessary to meet the formalities of customs, octroi or police before the goods can be delivered to the consignee. The consignor is liable to the carrier for any damage occasioned by the absence, insufficiency or irregularity of any such information or documents, unless the damage is due to the fault of the carrier or his agents.

(2) The carrier is under no obligation to enquire into the correctness or sufficiency of such information or documents.

Chapter III.

LIABILITY OF THE CARRIER.

Article 17.

The carrier is liable for damage sustained in the event of the death or wounding of a passenger or any

other bodily injury suffered by a passenger, if the accident which caused the damage so sustained took place on board the aircraft or in the course of any of the operations of embarking or disembarking.

Article 18.

(1) The carrier is liable for damage sustained in the event of the destruction or loss of, or of damage to, any registered luggage or any goods, if the occurrence which caused the damage so sustained took place during the carriage by air.

(2) The carriage by air within the meaning of the preceding paragraph comprises the period during which the luggage or goods are in charge of the carrier, whether in an aerodrome or on board an aircraft, or, in the case of a landing outside an aerodrome, in any place whatsoever.

(3) The period of the carriage by air does not extend to any carriage by land, by sea or by river performed outside an aerodrome. If, however, such a carriage takes place in the performance of a contract for carriage by air, for the purpose of loading, delivery or transshipment, any damage is presumed, subject to proof to the contrary, to have been the result of an event which took place during the carriage by air.

Article 19.

The carrier is liable for damage occasioned by delay in the carriage by air of passengers, luggage or goods.

Article 20.

(1) The carrier is not liable if he proves that he and his agents have taken all necessary measures to avoid the damage or that it was impossible for him or them to take such measures.

(2) In the carriage of goods and luggage the carrier is not liable if he proves that the damage was occasioned by negligent pilotage or negligence in the handling of the aircraft or in navigation and that, in all other respects, he and his agents have taken all necessary measures to avoid the damage.

Article 21.

If the carrier proves that the damage was caused by or contributed to by the negligence of the injured person the Court may, in accordance with the provisions of its own law, exonerate the carrier wholly or partly from his liability.

Article 22.

(1) In the carriage of passengers the liability of the carrier for each passenger is limited to the sum of 125,000 francs. Where, in accordance with law of the Courts seised of the case, damages may be awarded in the form of periodical payments, the equivalent capital value of the said payments shall not exceed 125,000 francs. Nevertheless, by special contract, the carrier and the passenger may agree to a higher limit of liability.

(2) In the carriage of registered luggage and of goods, the liability of the carrier is limited to a sum of 250 francs per kilogram, unless the consignor has made, at the time when the package was handed over to the carrier, a special declaration of the value at delivery and has paid a supplementary sum if the case so requires. In that case the carrier will be liable to pay a sum not exceeding the declared sum, unless he proves that that sum is greater than the actual value to the consignor at delivery.

(3) As regards objects of which the passenger takes charge himself the liability of the carrier is limited to 5,000 francs per passenger.

(4) The sums mentioned above shall be deemed to refer to the French franc consisting of $65\frac{1}{2}$ milligrams gold of millesimal fineness 900. These sums may be converted into any national currency in round figures.

Article 23.

Any provision tending to relieve the carrier of liability or to fix a lower limit than that which is laid down in this Convention shall be null and void, but the nullity of any such provision does not involve the nullity of the whole contract, which shall remain subject to the provisions of this Convention.

Article 24.

(1) In the cases covered by Articles 18 and 19 any action for damages, however founded, can only be brought subject to the conditions and limits set out in this Convention.

(2) In the cases covered by Article 17 the provisions of the preceding paragraph also apply, without prejudice to the questions as to who are the persons who have the right to bring suit and what are their respective rights.

Article 25.

(1) The carrier shall not be entitled to avail himself of the provisions of this Convention which exclude or limit his liability, if the damage is caused by his wilful misconduct or by such default on his part as, in accordance with the law of the Court seised of the case, is considered to be equivalent to wilful misconduct.

(2) Similarly the carrier shall not be entitled to avail himself of the said provisions, if the damage is caused as aforesaid by any agent of the carrier acting within the scope of his employment.

Article 26.

(1) Receipt by the person entitled to delivery of luggage or goods without complaint is *prima facie* evidence that the same have been delivered in good condition and in accordance with the document of carriage.

(2) In the case of damage, the person entitled to delivery must complain to the carrier forthwith after the discovery of the damage, and, at the least, within three days from the date of receipt in the case of luggage and seven days from the date of receipt in the case of goods. In the case of delay the complaint must be made at the latest within fourteen days from the date on which the luggage or goods have been placed at his disposal.

(3) Every complaint must be made in writing upon the document of carriage or by separate notice in writing despatched within the times aforesaid.

(4) Failing complaint within the times aforesaid, no action shall lie against the carrier, save in the case of fraud on his part.

Article 27.

In the case of the death of the person liable, an action for damages lies in accordance with the terms of this Convention against those legally representing his estate.

Article 28.

(1) An action for damages must be brought, at the option of the plaintiff, in the territory of one of the High

Contracting Parties, either before the Court having jurisdiction where the carrier is ordinarily resident, or has his principal place of business, or has an establishment by which the contract has been made or before the Court having jurisdiction at the place of destination.

(2) Questions of procedure shall be governed by the law of the Court seised of the case.

Article 29.

(1) The right to damages shall be extinguished if an action is not brought within two years, reckoned from the date of arrival at the destination, or from the date on which the aircraft ought to have arrived, or from the date on which the carriage stopped.

(2) The method of calculating the period of limitation shall be determined by the law of the Court seised of the case.

Article 30.

(1) In the case of carriage to be performed by various successive carriers and falling within the definition set out in the third paragraph of Article 1, each carrier who accepts passengers, luggage or goods is subjected to the rules set out in this Convention, and is deemed to be one of the contracting parties to the contract of carriage in so far as the contract deals with that part of the carriage which is performed under his supervision.

(2) In the case of carriage of this nature, the passenger or his representative can take action only against the carrier who performed the carriage during which the accident or the delay occurred, save in the case where, by express agreement, the first carrier has assumed liability for the whole journey.

(3) As regards luggage or goods, the passenger or consignor will have a right of action against the first carrier, and the passenger or consignee who is entitled to delivery will have a right of action against the last carrier, and further, each may take action against the carrier who performed the carriage during which the destruction, loss, damage or delay took place. These carriers will be jointly and severally liable to the passenger or to the consignor or consignee.

Chapter IV.

PROVISIONS RELATING TO COMBINED CARRIAGE

Article 31.

(1) In the case of combined carriage performed partly by air and partly by any other mode of carriage, the provisions of this Convention apply only to the carriage by air, provided that the carriage by air falls within the terms of Article 1.

(2) Nothing in this Convention shall prevent the parties in the case of combined carriage from inserting in the document of air carriage conditions relating to other modes of carriage, provided that the provisions of this Convention are observed as regards the carriage by air.

Chapter V.

GENERAL AND FINAL PROVISIONS.

Article 32.

Any clause contained in the contract and all special agreements entered into before the damage occurred by

which the parties purport to infringe the rules laid down by this Convention, whether by deciding the law to be applied, or by altering the rules as to jurisdiction, shall be null and void. Nevertheless for the carriage of goods arbitration clauses are allowed, subject to this Convention, if the arbitration is to take place within one of the jurisdictions referred to in the first paragraph of Article 28.

Article 33.

Nothing contained in this Convention shall prevent the carrier either from refusing to enter into any contract of carriage, or from making regulations which do not conflict with the provisions of this Convention.

Article 34.

This Convention does not apply to international carriage by air performed by way of experimental trial by air navigation undertakings with the view to the establishment of a regular line of air navigation, nor does it apply to carriage performed in extraordinary circumstances outside the normal scope of an air carrier's business.

Article 35.

The expression "days" when used in this Convention means current days not working days.

Article 36.

The Convention is drawn up in French in a single copy which shall remain deposited in the archives of the Ministry for Foreign Affairs of Poland and of which one duly certified copy shall be sent by the Polish Government to the Government of each of the High Contracting Parties.

Article 37.

(1) This Convention shall be ratified. The instrument of ratification shall be deposited in the archives of the Ministry for Foreign Affairs of Poland, which will notify the deposit to the Government of each of the High Contracting Parties.

(2) As soon as this Convention shall have been ratified by five of the High Contracting Parties it shall come into force as between them on the ninetieth day after the deposit of the fifth ratification. Thereafter it shall come into force between the High Contracting Parties who shall have ratified and the High Contracting Party who deposits his instrument of ratification on the ninetieth day after the deposit.

(3) It shall be the duty of the Government of the Republic of Poland to notify to the Government of each of the High Contracting Parties the date on which this Convention comes into force as well as the date of the deposit of each ratification.

Article 38.

(1) This Convention shall, after it has come into force, remain open for accession by any State.

(2) The accession shall be effected by a notification addressed to the Government of the Republic of Poland, which will inform the Government of each of the High Contracting Parties thereof.

(3) The accession shall take effect as from the ninetieth day after the notification made to the Government of the Republic of Poland.

Article 39.

(1) Any one of the High Contracting Parties may denounce this Convention by a notification addressed to the Government of the Republic of Poland, which will at once inform the Government of each of the High Contracting Parties.

(2) Denunciation shall take effect six months after the notification of denunciation, and shall operate only as regards the party who shall have proceeded to denunciation.

Article 40.

(1) Any High Contracting Party may, at the time of signature or of deposit of ratification or of accession declare that the acceptance which he gives to this Convention does not apply to all or any of his colonies, protectorates, territories under mandate, or any other territory subject to his sovereignty or his authority, or any territory under his suzerainty.

(2) Accordingly any High Contracting Party may subsequently accede separately in the name of all or any of his colonies, protectorates, territories under mandate or any other territory subject to his sovereignty or to his authority or any territory under his suzerainty which has been thus excluded by his original declaration.

(3) Any High Contracting Party may denounce this Convention, in accordance with its provisions, separately or for all or any of his colonies, protectorates, territories under mandate or any other territory subject to his sovereignty or to his authority, or any other territory under his suzerainty.

Article 41.

Any High Contracting Party shall be entitled not earlier than two years after the coming into force of this Convention to call for the assembling of a new international Conference in order to consider any improvements which may be made in this Convention. To this end he will communicate with the Government of the French Republic which will take the necessary measures to make preparations for such Conference.

This Convention done at Warsaw on the 12th October, 1929, shall remain open for signature until the 31st January, 1930.

(Here follow the signatures on behalf of the following countries:

Germany, Austria, Belgium, Brazil, Denmark, Spain, France, Great Britain and Northern Ireland, the Commonwealth of Australia, the Union of South Africa, Greece, Italy, Japan, Latvia, Luxembourg, Norway, the Netherlands, Poland, Roumania, Switzerland, Czecho-Slovakia, the Union of Soviet Socialist Republics and Yugoslavia).

ADDITIONAL PROTOCOL.

(With reference to Article 2)

The High Contracting Parties reserve to themselves the right to declare at the time of ratification or of accession that the first paragraph of Article 2 of this Convention shall not apply to international carriage by air performed directly by the State, its colonies, protectorates or mandated territories or by any other territory under its sovereignty, suzerainty or authority.

(This additional Protocol was signed on behalf of the same countries as those above mentioned).

SECOND SCHEDULE

Second
Schedule.

PROVISIONS AS TO LIABILITY OF CARRIER IN THE EVENT OF THE DEATH OF A PASSENGER.

1. The liability shall be enforceable for the benefit of such of the members of the passenger's family as sustained damage by reason of his death.

In this paragraph the expression "member of a family" means wife or husband, parent, step-parent, grandparent, brother, sister, half-brother, half-sister, child, step-child, grandchild:

Provided that, in deducing any such relationship as aforesaid any illegitimate person and any adopted person shall be treated as being, or as having been, the legitimate child of his mother and reputed father or, as the case may be, of his adopters.

2. An action to enforce the liability may be brought by the personal representative of the passenger or by any person for whose benefit the liability is under the last preceding paragraph enforceable, but only one action shall be brought in Newfoundland in respect of the death of any one passenger, and every such action by whomsoever brought shall be for the benefit of all such persons so entitled as aforesaid as either are domiciled in Newfoundland or, not being domiciled there, express a desire to take the benefit of the action.

3. Subject to the provisions of the next succeeding paragraph, the amount recovered in any such action, after deducting any costs not recovered from the defendant, shall be divided between the persons entitled in

such proportions as the Court (or, where the action is tried with a jury, the jury) direct.

4. The Court before which any such action is brought may at any stage of the proceedings make any such order as appears to the Court to be just and equitable in view of the provisions of the First Schedule to this Act limiting the liability of a carrier and of any proceedings which have been, or are likely to be, commenced outside Newfoundland in respect of the death of the passenger in question.

AN ACT RELATING TO THE SALARIES OF THE
JUDGES OF THE SUPREME COURT OF
NEWFOUNDLAND

[23 July, 1938]

SECTION

1.—Amount of salary to be paid Judges of the Supreme Court.

SECTION

2.—Salary; how paid and charged.

3.—Repeal.

4.—Date of coming into effect.

A.D. 1938.

**Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:**

Amount of salary to be paid Judges of the Supreme Court.

1. The salaries of the Judges of the Supreme Court of Newfoundland shall be paid at the following rates per annum, namely:

The Chief Justice, Nine thousand dollars.

Each of the other Judges, Eight thousand dollars.

Salary; how paid and charged.

2. The said salaries shall be paid by monthly instalments and shall be chargeable upon and paid out of the Consolidated Revenue Fund of the Colony.

Repeal.

3. The Acts mentioned in the Schedule hereto are hereby repealed to the extent mentioned in the third column of the said Schedule.

Date of coming into effect.

4. This Act shall be deemed to have had effect as from the 1st day of July, 1937.

SCHEDULE

Session and Chapter	Title or Short Title	Extent of Repeal
1. 9 and 10 George V, Chapter 20.	An Act to amend the Act 61 Victoria (1898) Chapter 47 entitled "An Act relating to the Constitution of the Supreme Court."	The whole Act.
2. 15 George V (2nd Session), Chapter 17.	An Act relating to the Constitution of the Supreme Court.	The whole Act.

AN ACT RESPECTING THE SALARY OF THE
JUDGE OF THE CENTRAL DISTRICT COURT

[23 July, 1938]

SECTION

- 1.—Yearly salary of Judge of the Central District Court.
- 2.—Salary; how paid and charged.
- 3.—Salary to be in full pay-

SECTION

- ment of services of the Judge; exceptions.
- 4.—Partial repeal of Section 1 of the Act 11 Geo. V, Cap. 50.
- 5.—Date of coming into effect.

A.D. 1938.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Yearly salary of Judge of the Central District Court. **1.** The Judge of the Central District Court shall be paid a yearly salary of Five Thousand Dollars.

Salary; how paid and charged. **2.** The said salary shall be paid by monthly instalments and shall be chargeable upon and paid out of the Consolidated Revenue Fund of the Colony.

Salary to be in full payment of services of the Judge; exceptions. **3.** The said salary shall be in full payment of the services of the said Judge in respect of his office, except where otherwise provided by Statute or expressly voted for any particular service.

Partial repeal of Section 1 of the Act 11 Geo. V, Cap. 50. **4.** Section 1 of the Act 11 George V, Chapter 50, entitled "An Act to amend the Act Sixty-one Victoria (1898), Chapter Eight, entitled 'An Act respecting Salaries'", in so far as it relates to the salary of the Judge of the Central District Court, is hereby repealed.

Date of coming into effect. **5.** This Act shall be deemed to have had effect as from the 1st day of July, 1935.

AN ACT TO AMEND THE ACT NO. 13 OF 1938 ENTITLED "AN ACT FURTHER TO AMEND CHAPTER 216 OF THE CONSOLIDATED STATUTES (THIRD SERIES) ENTITLED 'OF THE EMPLOYMENT OF MEN ENGAGED IN LOGGING'".

[9th August, 1938]

SECTION 1.—Amendment Section 1 of Act No. 13 of 1938.

**Be it enacted by the Governor, by and with the advice of A.D. 1938.
the Commission of Government, as follows:**

1. Section 1 of the Act No. 13 of 1938 entitled "An ^{Amendment} Act further to amend Chapter 216 of the Consolidated ^{Section 1 of} Statutes (Third Series) entitled 'Of the employment of ^{Act No. 13} men engaged in Logging' " is hereby amended by striking out the full stop at the end of Section 1 thereof and inserting a comma in the place thereof and adding thereafter the following words "and shall be deemed for all purposes to have been so suspended from the first day of May 1936".

AN ACT FURTHER TO AMEND THE CROWN LANDS
ACT, 1930.

[9th August, 1938]

SECTION 1.—Amendment of Sec. 62, Crown Lands Act 1930; mineral reservations.

A.D. 1938.

**Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:**Amendment of
Sec. 62, Crown
Lands Act
1930; mineral
reservations.**1.** Section 62 of the Crown Lands Act, 1930, is hereby repealed and the following substituted therefor:

62. (1) The Governor in Commission may from time to time reserve from the operation of this Act in any area of land in Newfoundland or in the whole of Newfoundland all minerals or any particular kind or class of minerals or any natural gas, coal, oil or salt therein not held by any person under a subsisting licence, lease or grant, and in respect of which at the time of such reservation no application for a licence thereof under the provisions of this Act has been filed, and may prescribe the terms upon which such mineral, natural gas, coal, oil or salt may be sold, leased or otherwise disposed of, and may from time to time rescind such reservation in whole or in part, and re-subject such minerals, natural gas, coal, oil or salt or any thereof to the operation of this Act.

(2) Public notice of such reservation shall be given in the Newfoundland Gazette and in at least two issues of a daily newspaper published in St. John's; and upon the rescinding of such reservation in whole or in part

the Commissioner for Public Utilities shall fix a day and hour from which the said rescission shall take effect, and give not less than thirty days' notice thereof in the Newfoundland Gazette and in at least two issues of a daily newspaper published in St. John's on and from which day and hour staking shall again be valid and not before. The Governor in Commission may direct that the mines and minerals, natural gas, coal, oil or salt in lands so reserved or in any part thereof may be worked by or on behalf of the Crown under and pursuant to regulations to be made by the Governor in Commission.

AN ACT FURTHER TO AMEND THE ACT NO. 19 OF 1937 ENTITLED "AN ACT TO AUTHORIZE THE UNDERTAKING OF INSURANCE FOR THE PURPOSE OF MAINTAINING THE CODFISH TRADE WITH ITALY".

[25th August, 1938]

SECTION

- 1.—Change in rate of premium.
- 2.—Extension of period of operation of Act No. 19 of 1937.

SECTION

- 3.—Amendment to have retroactive effect.
- 4.—Short title.

A.D. 1938.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Change in rate of premium.

1. Section 3 of the Act No. 19 of 1937 entitled "An Act to authorize the undertaking of insurance for the purpose of maintaining the codfish trade with Italy" is hereby amended by striking out the words "two per centum" and substituting therefor the words "one and one-half per centum".

Extension of period of operation of Act No. 19 of 1937.

2. Section 6 of the said Act, as amended by the Acts No. 2 and No. 11 of 1938, is hereby further amended by striking out the words "30th day of June, 1938", there inserted by the amending Act No. 11 of 1938 and substituting therefor the words "30th day of June, 1939".

Amendment to have retroactive effect.

3. This Act shall have effect as from the 1st day of July, 1938.

Short title.

4. The Act No. 19 of 1937 and the Acts No. 2 and No. 11 of 1938 and this Act may be cited together as the Italian Exchange Insurance Acts, 1937-38.

AN ACT FURTHER TO AMEND THE REVENUE
ACT, 1935

[9th August, 1938]

SECTION

1.—Amendment Sec. 34 Revenue Act 1935; waste in brewing.

SECTION

2.—Amendment Schedule A, Item 119; Confectionery
3.—Date of coming into effect.

Be it enacted by the Governor, by and with the advice of A.D. 1938,
the Commission of Government, as follows:

1. Section 34 of the Revenue Act, 1935, is hereby Amendment
amended by renumbering sub-section (3)^f as “(3) (a)”, Sec. 34 Revenue Act 1935;
and inserting immediately thereafter a sub-paragraph waste in brewing.
(b) as follows:

(b) In respect of such accidental waste and loss
as arises in brewing a deduction of six per
centum shall be made from the gross quantity
brewed or manufactured and the duties raised,
levied or to be collected as prescribed in
Schedule C.—Excise Duties, Item E1401, upon
ale, porter, Bavarian beer, botanic beer and
all other small and dextrinous liquors shall be
upon the net quantity remaining.

2. Schedule A to the said Act as heretofore amended Amendment
is hereby further amended by striking out Item 119 and Schedule A,
substituting therefor the following: Item 119;
Confectionery.

Item No.	Class or Description of Goods	Rates of Duty	
		Full	Pref.
119	Confectionery in bars and packages to be sold at a re- tail price of 5c. per bar or package—per lb.	\$0.07½	\$0.05½

Date of coming
into effect.

3. The amendments made by this Act shall be deemed to have come into effect as from midnight on the 30th day of June, A.D. 1938.

AN ACT FOR GRANTING TO HIS MAJESTY CERTAIN SUMS OF MONEY FOR DEFRAYING CERTAIN EXPENSES OF THE PUBLIC SERVICE FOR THE FINANCIAL YEAR ENDING THE THIRTIETH DAY OF JUNE, ONE THOUSAND NINE HUNDRED AND THIRTY-EIGHT, AND FOR OTHER PURPOSES RELATING TO THE PUBLIC SERVICE.

[9th August, 1938]

SECTION 1.—Supplementary Supply 1937-38.
Schedule.

MAY IT PLEASE YOUR MAJESTY:—

WHEREAS it appears that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of Newfoundland, temporarily authorized by the Governor in Commission by Special Warrants dated August 12th, 1937; October 1st, 1937; November 20th, 1937; December 6th, 1937; May 7th, 1938 and June 10th, 1938; and issued under Section 33 (b) of Chapter 23 of the Consolidated Statutes (Third Series) entitled "Of the Auditing of Public Accounts" as amended by the Act 23 & 24 Geo. V, Chapter 60 and as further amended by the Act No. 21 of 1935, for the financial year ending the thirtieth day of June, One thousand nine hundred and thirty-eight, and for other purposes connected with the Public Service.

MAY IT THEREFORE PLEASE YOUR MAJESTY:—

That it may be enacted by the Governor, by and with the A.D. 1938.
advice of the Commission of Government, as follows:

1. From and out of the Consolidated Revenue Fund ^{Supplementary Supply} there may from time to time be issued by the Commissioner for Finance and Controller of the Treasury sums ^{1937-38.} not exceeding Eight hundred and eighty-three thousand

and thirty-four dollars (\$883,034), and the said sums so issued shall be paid and applied by the several Departments in respect of the year extending from the first day of July, One thousand nine hundred and thirty-seven to the thirtieth day of June, One thousand nine hundred and thirty-eight, towards defraying the charges and expenses of the Public Service of Newfoundland as set forth in the Schedule of this Act.

SCHEDULE

Schedule.	<i>Head of</i>		<i>Amount</i>
	<i>Expenditure</i>	<i>Department</i>	
	IV	Posts and Telegraphs	\$ 19,928
	VI	Home Affairs	675
	VII	Education	2,784
	X	Public Works	387,902
	XI	Public Health and Welfare and War Pensions	48,031
	XIII	Colonial Development Fund.....	423,714
			<hr/>
			\$883,034
			<hr/>

AN ACT FOR GRANTING TO HIS MAJESTY CERTAIN SUMS OF MONEY FOR DEFRAYING CERTAIN EXPENSES OF THE PUBLIC SERVICE FOR THE FINANCIAL YEAR ENDING THE THIRTIETH DAY OF JUNE, ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AND FOR OTHER PURPOSES RELATING TO THE PUBLIC SERVICE.

[9th August, 1938]

SECTION 1.—Supply 1938-39.
Schedule. *

MAY IT PLEASE YOUR MAJESTY :—

WHEREAS it appears that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of Newfoundland, of which a part has been temporarily authorised by the Governor in Commission by a Special Warrant dated the 30th June, 1938, which Warrant has been issued under Section 33 (b) of Chapter 23 of the Consolidated Statutes (Third Series) entitled "Of the Auditing of Public Accounts" as amended by the Act 23 & 24 Geo. V, Chapter 60 and as further amended by the Act No. 21 of 1935, for the financial year ending the Thirtieth day of June, One thousand nine hundred and thirty-nine, and for other purposes connected with the Public Service.

MAY IT THEREFORE PLEASE YOUR MAJESTY :—

*That it may be enacted by the Governor, by and with the A.D. 1938.
advice of the Commission of Government, as follows :*

1. From and out of the Consolidated Revenue Fund ^{Supply} there may from time to time be issued by the Commis- ^{1938-39.} sioner for Finance and Controller of the Treasury sums not exceeding Eleven million four hundred and twenty-

six thousand five hundred and sixty-eight dollars (\$11,426,568), and the said sums so issued shall be paid and applied by the several departments in respect of the year extending from the first day of July, One thousand nine hundred and thirty-eight, to the thirtieth day of June, One thousand nine hundred and thirty-nine, towards defraying the charges and expenses of the Public Service of Newfoundland as set forth in the Schedule of this Act.

Schedule.

SCHEDULE

<i>Head of</i>	<i>Department</i>	<i>Amount</i>
II	Finance	\$ 607,492
III	Customs	287,013
IV	Posts and Telegraphs	813,092
V	Assessor	20,566
VI	Home Affairs	41,934
VII	Education	1,310,337
VIII	Justice	638,645
IX	Natural Resources	1,472,431
IX (A)	Agriculture and Rural Recon- struction	476,843
X	Public Works	2,502,865
XI	Public Health and Welfare and War Pensions	3,139,234
XII	Board of Liquor Control	55,316
XIII	Colonial Development Fund.....	60,800
		<hr/>
		\$11,426,568
		<hr/>

AN ACT RESPECTING THE MANUFACTURE OF OIL AND MEAL FROM HERRING AND CAPLIN.

[9th August, 1938]

SECTION

- 1.—Interpretation.
- 2.—No person to manufacture without a licence.
- 3.—Notice to be given of intention to apply for licence; application; objection to issue of licence, how dealt with.
- 4.—Board may grant licence to applicant subject to rules and regulations and to the Act; duration and renewal of licence; fee; cancellation of licence.
- 5.—Licence to define limits

SECTION

- of area of operations; breach of Act to carry on operations outside such limits.
- 6.—Governor in Commission may make rules and regulations to prevent wastage of products or pollution of waters.
- 7.—Breach of conditions attached to licence to be breach of Act.
- 8.—Penalties.
- 9.—Short title.

Be it enacted by the Governor, by and with the advice A.D. 1938.
of the Commission of Government, as follows:

1. In this Act—

Interpretation.

- (a) "Board" means the Newfoundland Fisheries Board.
- (b) "Commissioner" means the Commissioner for Natural Resources.
- (c) "person" shall include any body of persons, corporate or unincorporate, and any registered company.

2. No person shall manufacture or attempt to manufacture herring oil or herring meal or caplin oil or caplin meal in Newfoundland or in the territorial waters thereof save under a licence issued under the provisions of this Act.

No person to manufacture without a licence.

Notice to be
given of inten-
tion to apply
for licence;
application;
objection to
issue of
licence, how
dealt with.

3. (1) Every applicant for a licence under this Act shall, before filing his application with the Board, give notice of his intention to apply for such licence by advertisement once a week for eight consecutive weeks preceding his application in the Newfoundland Gazette and in any daily newspaper published in Newfoundland. The notice shall contain a statement of the product and quantity thereof intended to be manufactured, and also a description of the area in which the operations of the applicant are intended to be carried on.
- (2) The application for a licence shall be filed with the Board accompanied by the prescribed fee and such application shall contain a statement of the product and the quantity thereof intended to be manufactured and also a description of the area in which the operations of the applicant are intended to be carried on.
- (3) Any person objecting to the grant of any licence in respect of which notice of application is published may at any time before the expiry of the notice file with the Board a notice in writing of his objections and reasons therefor.
- (4) The Board shall notify the applicant of the objections to the issue of the licence and the Board may call upon the applicant to put his reply to objections in writing and file the same with it.
- (5) The Board may call upon the applicant and the objectors to appear before the Board and be heard touching the issue of any licence.

(6) When the Board has reached a decision regarding the grant or refusal of a licence it shall notify each party of such decision.

(7) Every applicant to whom the Board has refused to grant a licence may, within one month of such notification, appeal to the Commissioner against such decision and every person whose objections to the grant of a licence to an applicant have been over-ruled by the Board may, within one month of such notification, appeal to the Commissioner against such decision.

4. (1) On application by any person made in the manner mentioned in Section 3 hereof, the Board may in its discretion and subject to the provisions of this Act and to any rules and regulations made hereunder grant a licence to such person for either or both of the following purposes:

Board may grant licence to applicant subject to rules and regulations and to the Act; duration and renewal of licence; fee; cancellation of licence.

(a) for the manufacture from herring of herring oil and herring meal;

(b) for the manufacture from caplin of caplin oil and caplin meal.

(2) A licence issued under the provisions of this section shall, unless previously cancelled under this Act, continue in force for such period as may be stated in the licence, not exceeding twelve years from the day specified in the licence as the day on which it takes effect.

(3) The Board may, in its discretion, renew a licence issued under this Act: Provided that the holder of such licence shall give notice in writing to the Board at least two months be-

fore the expiration of his licence of his intention to apply for renewal.

- (4) A renewal of a licence shall, unless sooner cancelled under this Act, continue in force for such period as may be stated in the renewal licence, not exceeding twelve years from the day specified in the renewal as the day on which it takes effect.
- (5) The Commissioner may, by regulation approved by the Governor in Commission, prescribe a fee to be paid for the issue of a licence hereunder or for the renewal of such licence.
- (5) No licence shall be issued under this section before October 1st, 1939, to any person other than those specified in Clause 22 (2) of the Agreement dated the 18th day of May, 1937, and made between His Excellency the Governor in Commission and the Santa Cruz Oil Corporation.
- (7) Every licence issued under this section and every renewal thereof shall be subject to such conditions, rules and regulations as the Governor in Commission may from time to time prescribe for the purposes of safeguarding the supplies of herring and caplin or the interests of the producers or manufacturers of herring oil or meal or caplin oil or meal or the welfare of the herring and caplin industry generally.
- (8) The Board may by order in writing suspend or cancel a licence issued under this section for any breach of the conditions of such licence or for any breach of the provisions of this Act or of any rules and regulations made hereunder: Provided that any person whose licence is cancelled for any breach as aforesaid may, within one month, appeal to the Com-

missioner against such cancellation or suspension of his licence.

5. Every licence issued under this Act shall define and limit the area in which the operations of the licensee shall be carried on and may state the quantity of the product in respect of which the licence is granted that may be manufactured; and any licensee operating outside such area or manufacturing to a greater extent than permitted by his licence shall be guilty of an offence against this Act.

Licence to define limits of area of operations; breach of Act to carry on operations outside such limits.

6. (1) The Board with the approval of the Governor in Commission may from time to time make rules and regulations not inconsistent with this Act and may attach penalties for a breach thereof for the purpose of preventing as far as practicable—

Governor in Commission may make rules and regulations to prevent wastage of products or pollution of waters.

(a) any wastage of herring or caplin or the products thereof;

(b) any pollution of the waters of Newfoundland or any part or parts thereof by the introduction of any noxious or offensive matter from the premises where manufacture is carried on.

(2) Such rules and regulations shall be published in the Newfoundland Gazette and shall have effect as from such dates as may be stated therein respectively or, in default of such statement, from the date of publication.

7. If any condition attached to a licence, or any renewal thereof, under this Act is contravened or not complied with, the licensee shall be guilty of an offence against this Act.

Breach of conditions attached to licence to be breach of Act.

Penalties.

8. (1) Any person who is guilty of an offence against any of the provisions of this Act shall be liable upon summary conviction to a fine not exceeding four hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(2) The Board may, if it thinks fit, cancel the licence of any convicted licensee.

Short title.

9. This Act may be cited as the Fish Oil and Meal Act, 1938.

AN ACT RESPECTING GREAT-LAKES NEWFOUND-
LAND ATLANTIC COMPANY, LIMITED.

[25th August, 1938]

SECTION

- 1.—Interpretation.
- 2.—(1) Provision for grant of land.
 - (2) Net yearly profits; how computed.
 - (3) Lands to be surveyed at cost of Company; plan; where deposited.
 - (4) Expenditure of money by Company; time and amounts.
- 3.—Provision for grant of water powers.
- 4.—(1) Conditions upon which Company may construct and operate a railway or road.
 - (2) Crossing of other railways.
- 5.—Government may grant further lands to Company.
- 6.—Expropriation of private lands.
- 7.—Arbitrations.
- 8.—Similar concessions not to be granted for period of three years.
- 9.—Exclusive concessions for twenty-five years in certain events.
- 10.—(1) Free Port.
 - (2) Freedom from Customs duties and restrictions; proviso.

SECTION

- (3) Statistics to be furnished by Company.
- (4) Encouragement of manufacture of goods for export; manufacturing areas to be delimited; proviso.
- (5) Raw materials obtainable in Nfld.
- 11.—(1) Port not to be under jurisdiction of Harbour Commissioners.
 - (2) Ships under 300 tons not to use Port.
 - (3) Prohibition of discriminatory charges.
- 12.—(1) Prevention of smuggling.
 - (2) Cost of Customs officers.
 - (3) Duties of Customs officers.
- 13.—Annual payments to the Treasury.
- 14.—(1) Exemptions from duties.
 - (2) Exceptions.
 - (3) Ammonia for refrigerating purposes, events.
- 15.—(1) Reversion of land to Crown in certain
 - (2) Forfeiture of land and water powers in certain events.
 - (3) Lapse of concessions in certain events.
- 16.—Short title.

WHEREAS Great-Lakes Newfoundland Atlantic Company, Limited, a Company incorporated under the laws of Newfoundland and having its registered office at St. John's, (hereinafter called "the Company"), proposes to establish in Mortier Bay in the District of Burin East a free port, on similar lines to those now operating at Hamburg and Copenhagen, for the transshipment of all classes of goods to and from the Great Lakes, Europe, the West Indies and the Atlantic seaboard of North and South America, and to carry or procure to be carried from the port to the Great Lakes chilled, frozen and cured fish and other products of Newfoundland.

A.D. 1938.

Be it therefore enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Interpretation.

1. In this Act, unless the context otherwise requires:

(a) "Government" shall mean the Governor in Commission.

(b) "Company" shall be held to include—

(i) the assigns of all or substantially all the property and assets of Great-Lakes Newfoundland Atlantic Company, Limited, and

(ii) the subsidiary companies of that Company and of the assigns aforesaid, that is to say, companies whose ordinary share capital is owned or controlled as to more than one-half by that Company or the assigns aforesaid and engaged in the business de-

scribed in the preamble to this Act or in businesses incidental or complementary thereto.

- (c) "Port" shall mean the basin and terminal facilities to be established by the Company within the harbour of Mortier Bay.

2. (1) The Government shall grant to the Company ^{Provision for} in fee simple subject to the conditions in this ^{grant of land.} Act prescribed the land at present belonging to and in the possession of the Crown lying within a line commencing at the western point of Mooring Cove and running thence north thirty degrees west twelve miles, thence north sixty degrees east four and one-quarter miles, thence south thirty degrees east eleven miles to the seashore at Jean de Bay, and thence by the seashore to the place of commencement, all bearings from the true meridian, together with certain foreshore and riparian rights therein which the Crown now has and together with all mineral rights therein: Provided that the foreshore and riparian rights to be acquired by the Company shall not extend beyond the actual requirements of the Port and of the Company's operations for the purposes of this Act and that the limits of such requirements shall be specified by the Company within three years from the passing of this Act and shall be included in the survey hereinafter provided for; and provided that if any minerals shall be found and worked therein ten per cent of the net yearly profits accruing from the working of such minerals shall be paid to the Commissioner for Finance for the use of the Colony.

Net yearly
profits; how
computed.

- (2) Such annual net profits shall be computed and certified in accordance with modern commercial accounting practice by a public chartered accountant, subject to the revision, if so required by the Government, of the Comptroller and Auditor General who shall for this purpose have the right of access at all times to all the Company's records.

Lands to be
surveyed at
cost of Com-
pany; plan;
where deposited

- (3) The said lands shall within three years from the passing of this Act be surveyed by the Department of Natural Resources at the request, cost and charges of the Company. The plan of such survey shall exclude the existing rights of all persons whether by grant, prescription, purchase or occupation, together with the rights of way to and from any lands at present so held and also a reservation of half a mile around all existing settlements and the foreshore therein except at those points in Mortier Bay where the Port is to be established, in the case of which the Government may dispense with the said reservation; and such plan upon completion shall be signed by the Commissioner for Natural Resources and the president of the Company and deposited in the office of the Commissioner for Natural Resources and the grant shall be made in accordance with the said plan.

Provided, however, that the Commissioner for Public Utilities shall have the right at any time to enter and take from the area hereinbefore described outside the limits of the Port any land required for the purposes of public roads, buildings and railways.

- (4) Within two years of the passing of this Act the Company shall prove to the satisfaction of the Government the execution by the Company of bona fide contracts for the expenditure within one year from the said date of not less than one hundred thousand dollars (\$100,000.00) upon the construction of wharves, warehouses, cold storage plants or other terminal facilities at the Port and the Company shall within three years of the passing of this Act expend or procure to be expended the said sum of one hundred thousand dollars (\$100,000.00) upon the construction of the said works.

Expenditure of money by Company; time and amounts.

3. If the Company shall expend the said sum of one hundred thousand dollars (\$100,000.00) as provided in the foregoing section, there shall be granted to the Company, subject to any rights existing at the time when it shall exercise its right of selection hereinafter mentioned, the right to use the waters of any river or rivers in the Burin Peninsula which it may select within three years from the passing of this Act for hydro-electric development for the supply of power to and at the said Port free of all rent, royalties and charges: Provided that such water power rights shall be subject to cancellation by the Government unless developed and equipped to furnish a substantial supply of power to the Port within five years from the date of the grant.

Provision for grant of water powers.

4. (1) The Company shall have the right at any time after the expenditure of the said one hundred thousand dollars (\$100,000.00) to construct and operate a railway of about eight miles across the Isthmus of Avalon from Arnold's Cove to Bull Arm, along the route already surveyed, a plan of which has already been deposited in the Department of Natural Resources.

Conditions upon which Company may construct and operate a railway or road.

ces or in lieu thereof to construct a motor road along a suitable route between the same terminal areas.

Crossing of
other railways.

- (2) Where any railway constructed under the power by this section granted crosses the main line of the Newfoundland Railway the engineering details incident to such crossing shall be settled by agreement between the Company and the General Manager of the Newfoundland Railway or, in default of such agreement, by the Chief Engineer of the Department of Public Works.

Government
may grant fur-
ther lands to
Company.

5. If at any time the Company is desirous of acquiring lands incident to flowage right or rights of way for telegraphs, telephones, power transmission lines, railways (including the railway authorized in Section 4 hereof) tramways or roads, or sites for mills, works, factories or townsites, or for wharves, piers, warehouses, docks or other shipping facilities in connection with the Company's operations for the purposes aforesaid on the Burin Peninsula, such lands belonging to and being in possession of the Crown, the same may in the discretion of the Government be granted to the Company in fee simple at thirty cents per acre upon request.

Expropriation
of private
lands.

6. If the Company shall at any time or times be desirous of acquiring any land other than land in the ownership and possession of the Crown and reasonably required for any of the matters mentioned in Section 4 or Section 5 of this Act, and shall be unable to agree with the owners or occupiers of such land or lands as to the purchase money or compensation to be paid therefor, the Company shall subject to the consent of the Government have the right to expropriate and acquire any such land or lands, and in default of agreement between the parties the question of the amount of purchase

money or compensation to be paid to the owners or occupiers of any such land or lands shall be submitted to and settled by arbitration in manner hereinafter provided. Upon the receipt by the Company of such consent as aforesaid and upon payment of the purchase money or compensation the Company shall have the right to enter upon and take possession of such land or lands, which shall thereupon become the absolute and indefeasible property of the Company. In estimating the amount of compensation to be awarded, any additional value occasioned by the projected operations of the Company shall not be taken into consideration, provided that compensation for disturbance not exceeding fifty per centum of the actual value of the said lands may be allowed in the case of persons bona fide resident upon or in the vicinity of the said lands at the time of the passing of this Act.

7. In every such arbitration each party shall appoint one arbitrator, and the two so appointed shall appoint a third. If either party fails to appoint an arbitrator after twenty-one clear days' notice to do so, the other party may apply to the Supreme Court or a judge thereof, who shall, after due notice to the party in default, appoint such arbitrator. If the arbitrators fail to appoint a third arbitrator after seven clear days, the Supreme Court or a judge thereof shall on application of either party appoint such arbitrator. The award of the arbitrators or a majority of them shall be final and binding on both parties, subject to appeal to the Supreme Court within twenty days after the award. The provisions of Part VI of the Judicature Act shall apply to every such arbitration except where otherwise herein specifically provided.

8. For the period of three years from the passing of this Act no concessions similar to those herein contained for the construction of a free port shall be granted to any person or corporation other than the Company.

Similar concessions not to be granted for period of three years.

Exclusive concessions for twenty-five years in certain events.

9. If within four years from the passing of this Act or such further period as the Government may agree to the Company shall expend upon the construction work in the area to be granted hereunder for the purposes mentioned in Section 2 of this Act together with necessary town construction a total sum of not less than five hundred thousand dollars (\$500,000.00) no concessions similar to those herein contained shall be granted to any person or corporation other than the Company for twenty-five years from the expiration of such period except in the contingency provided in Section 15 (3) of this Act.

Free Port.

10. (1) For a period of fifty years after the expenditure by the Company of one hundred thousand dollars (\$100,000.00) as provided in Section 2 of this Act the Port shall, subject always to the provisions of Section 15 of this Act, be constituted a Free Port.

Freedom from Customs duties and restrictions; proviso.

(2) No Customs duties shall be levied upon nor shall the usual Customs restrictions, conditions or formalities apply to or be imposed upon any goods entering the Port for unloading, unpacking, refrigeration, mixing, blending or other like treatment, packing, storage, all for the purposes of reloading and reshipment, nor upon fuel or ship's stores brought into the Port for supply to foreign-bound ships bona fide resorting to the Port to discharge or load substantial quantities of cargo: Provided always that no such fuel or stores shall be supplied to any ship clearing from or calling at any other port in Newfoundland.

Statistics to be furnished by Company.

(3) The Company shall furnish to the Commissioner for Finance such statistics as to ships and goods entering and leaving the Port as the

Commissioner may from time to time reasonably require.

- (4) In order to encourage the manufacture under free port conditions of goods for export, ^{Encouragement of manufacture of goods for export; manufacturing areas to be delimited; proviso.} entry shall be allowed free of duty within a sufficient area or number of areas in the vicinity of the port of all raw material required for such manufacture. Such manufacturing area or areas shall be delimited from time to time as occasion may require by agreement between the Commissioner for Finance and the Company: Provided that nothing herein contained shall authorize the manufacture therein of any goods to be exported in competition with goods of the same description manufactured in Newfoundland outside the free port areas for export and provided further that the question whether a particular material is or is not a raw material within the meaning of this sub-section shall be decided by the Commissioner for Finance from time to time as occasion may require.
- (5) Whenever a raw material required for such ^{Raw materials obtainable in Nfld.} manufacture as aforesaid can be obtained in Newfoundland as and when, where and in quantity and of quality required by the Company from time to time and at a price not exceeding the landed cost, duty paid, of imported raw material of similar quality the Company shall not be entitled to import such raw material without paying the regular duty thereon.
11. (1) The Port, although geographically part of ^{Port not to be under jurisdiction of Harbour Commissioners,} the harbour of Mortier Bay, shall not be under the jurisdiction of Harbour Commission-

ers, but all ships resorting to the Port shall be subject to that jurisdiction before entering and upon leaving the Port and the Company shall give all reasonable assistance to the Board of Harbour Commissioners in carrying out its duties in relation to such ships.

Ships under
300 tons not
to use Port.

- (2) No ship of less than three hundred tons net register shall be admitted to the Port except by permission of the Commissioner for Finance.

Prohibition of
discriminatory
charges.

- (3) Neither the Company nor any ship resorting to the Port shall be liable to pay at any time within the period of fifty years referred to in Section 10 any harbour or light dues or compulsory pilotage charges of a special or discriminatory nature.

Prevention of
smuggling.

12. (1) For the better prevention of smuggling into or out of the Port the Company shall surround the Port, and also each of the manufacturing areas mentioned in Section 10 (4) of this Act with a stockade of dimensions and construction approved by the Commissioner for Finance: Provided however that no such stockade shall be required on the sea-front of the Port, but in lieu thereof a guard shall be maintained by officers appointed by the Government.

Cost of Cus-
toms officers.

- (2) The Company shall pay to the Commissioner for Finance the amount required to reimburse the Government for the expenses incurred in providing such number of officers as shall be reasonably necessary to guard the approaches to and exits from the Port and to and from the said manufacturing areas and to preserve order and prevent offences against the law in the Port and the said areas.

- (3) The Commissioner for Finance may make regulations governing the duties of such officers, and the Company shall give all reasonable facilities to enable such regulations to be carried out.
- Duties of Customs officers.

13. The Company shall pay to the Treasury annually either—

Annual payments to the Treasury.

- (a) eight dollars per centum (8%) of its net annual profits which profits shall be computed and certified in accordance with modern commercial accounting practice by a public chartered accountant, subject to the revision, if so required by the Government, of the Comptroller and Auditor General who shall for this purpose have the right of access at all times to all the Company's records;

(b) the amount payable under any Income Tax law in any year,
whichever shall be the greater.

- 14.** (1) For a period of twenty years after the passing of this Act, the following articles, when imported by the Company solely for use and used in connection with the enterprise, and not for sale, shall, upon such certificate to that effect as may be required by the Commissioner for Finance, be admitted into Newfoundland free of duty; that is to say, all plant, machinery, implements, apparatus and materials necessary for the original construction and equipment and extensions of the following (provided that no articles for the purpose of repair, replacement or substitution for articles used in the original construction, equipment and extensions shall be so admitted) namely—
- Exemptions from duties.

- (a) wharves, warehouses, piers, jetties, sheds, stockades, power plants and cold storage plants, transmission lines and railways;
- (b) town construction, namely—the construction of houses to be occupied by workmen and staff employed exclusively by the Company and on any town site at or in the vicinity of the Port which site is to be delimited with the approval of the Commissioner for Finance, together with such amenities and recreational facilities for such workmen and staff and their families as the Commissioner for Finance may approve as being reasonably necessary: Provided that there shall be included under the head of town construction water and sewerage systems for the general service of the town as delimited, but nothing for installation in or upon any buildings other than the wharves, warehouses, piers, jetties, sheds, power plants, cold storage plants, factories, transmission lines and railways of the Company.

Exceptions.

- (2) Nothing in this section contained shall be held to apply to
 - (a) fuel, hand tools, food, clothing; or
 - (b) moveable articles of household furniture for, or of equipment for private houses, staff houses or hotels; or
 - (c) articles intended by the importer for the personal and private ownership of individuals; or
 - (d) lumber of sizes and qualities manufactured in Newfoundland from timber grown

in Newfoundland if such lumber can be obtained in Newfoundland as and when and where and of sizes and qualities required by the Company from time to time; or

(e) windows, doors, sashes, mouldings, boats and barges made or constructed of wood of kinds, qualities and sizes manufactured in Newfoundland from timber grown in Newfoundland if such windows, doors, sashes, mouldings, boats and barges can be obtained in Newfoundland as and when and where and of qualities and dimensions required by the Company from time to time; or

(f) bricks, nails, paints and stoves, other than furnaces, for use in town construction or of sizes and kinds manufactured in Newfoundland, if such bricks, nails, paints, and stoves can be obtained in Newfoundland as and when and of the sizes and kinds required by the Company from time to time.

(3) On ammonia for refrigerating purposes the Company shall pay such import duty and taxes of general application (if any) as shall be in force from time to time under the general laws of Newfoundland, but such import duty and taxes taken together shall not exceed fifteen per centum (15%) of the value of such ammonia. Ammonia for refrigerating purposes.

15.(1) If within two years from the passing of this Act the Company shall fail to make the proof required by Section 2 (4) of this Act, or if within three years from the passing of this Act Reversion of land to Crown in certain events.

the sum of one hundred thousand dollars (\$100,000.00) shall not have been expended upon the construction of wharves, warehouses, cold storage plants or other terminal facilities at the Port, the grant of land agreed to be made by virtue of Section 2 of this Act shall become null and void and the said land shall revert to the Crown.

Forfeiture of
land and
water powers
in certain
events.

- (2) Should the Company fail to expend within four years from the passing of this Act (or such further period as may be agreed to by the Government) the sum of five hundred thousand dollars (\$500,000.00) referred to in Clause 9 hereof, all lands and waterpowers hereby granted to the Company shall be forfeited to the Crown, and the Company shall cease to enjoy the exemptions from duty conferred by Section 14 of this Act.

Lapse of
concessions in
certain events.

- (3) The concessions contained in Sections 9 and 10 of this Act shall be deemed to lapse and may be granted to any other person or corporation if within fifty years from the date of the passing of this Act, and after the construction and equipment of the Port has reached the stage when the Port is ready for operation the Company, unless prevented by strikes, acts of God or of the King's enemies or restraints of princes or rulers, shall during two consecutive seasons of open navigation of the St. Lawrence River fail to maintain (by ships whether owned or controlled by the Company or otherwise) a service between the Port and the Great Lakes employing at least five vessels of a size as large as can conveniently be operated through the canal system of the said River.

16. This Act may be cited as the Mortier Bay Free Short title.
Port Act, 1938.

AN ACT FURTHER TO AMEND THE REVENUE
ACT, 1935.

[20th September, 1938]

SECTION

1.—Further amendment Sec.
21 (2) Revenue Act, 1935.

SECTION

2.—Repeal.

A.D. 1938.

Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:

Further
amendment
Sec. 21 (2)
Revenue Act,
1935.

1. Subsection (2) of Section 21 of the Revenue Act, 1935, as amended by Section 1 of the Act No. 28 of 1935 entitled "An Act further to amend the Revenue Act, 1935" is hereby further amended by inserting after the words "the towns of" and before the word "Fortune", the words "Grand Bank".

Repeal.

2. Subsection (3) of Section 21 of the Revenue Act, 1935, is hereby repealed.

AN ACT FURTHER TO AMEND THE RADIO-TELE-
GRAPH ACT, 1930.

[20th September, 1938]

SECTION

- 1.—Amendment, Sec. 3 Radio-
telegraph Act, 1930.
2.—Licence to blind persons.

SECTION

- 3.—Act to be read with
Radiotelegraph Act, 1930:
short title.

**Be it enacted by the Governor, by and with the advice of A.D. 1938,
the Commission of Government, as follows:**

1. Section 3 of the Radiotelegraph Act, 1930, is here- Amendment,
by repealed and the following substituted therefor: Sec. 3
Radiotelegraph
Act, 1930.

3. (1) No person shall establish any radiotele-
graph station or instal, work or use any
apparatus for transmitting or receiving
radiotelegraphic or radiotelephonic signals
in any place in Newfoundland or on board
any ship registered or owned in Newfound-
land except under and in accordance with a
licence granted by the Commissioner for
Finance.

(2) Where any unlicensed station or apparatus
is found it shall be presumed prima facie to
have been established, installed, worked and
used by the occupier of the building or own-
er of the ship or vessel in which it is found:

Provided that such presumption may be re-
butted by evidence.

(3) If any radiotransmitting or receiving appa-
ratus be found in any building, place, ship or
vessel, the fitness of such apparatus for
working and use shall prima facie be pre-
sumed: Provided that such presumption
may be rebutted by evidence.

- (4) The occupier of the premises or the owner of a ship or vessel in which any radiotransmitting or receiving apparatus is found shall, unless the apparatus be shown to be unusable, produce a licence granted in accordance with subsection (1) hereof, at any time on the demand of any properly authorized officer of the Department of Posts and Telegraphs, or any Constable or Ranger; and in default of such production the apparatus shall be presumed prima facie to be unlicensed: Provided that such presumption may be rebutted by evidence.

Licence to
blind persons.

2. The Commissioner may issue to any blind person a free licence to install, use and work radiotelephonic receiving apparatus, anything in the Act or regulations hereunder to the contrary notwithstanding.

Act to be read
with Radio-
telegraph Act
1930; short title

3. This Act shall be read with the Radiotelegraph Act, 1930 as amended by the Act 22 George V, Chapter 24, and the said Acts and this Act may be cited together as the Radiotelegraph Acts, 1930-1938.
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AN ACT IN RELATION TO THE GRANTING OF THE
WATER POWER OF WATERFALL BROOK, LIT-
TLE ST. LAWRENCE.

[October 10th, 1938]

SECTION

- 1.—Power to grant use of
Waterfall Brook, Little
St. Lawrence.
- 2.—Certain provisions of 20

SECTION

- Geo. V, Cap. 4, to apply.
- 3.—Royalty on horsepower
developed.
- 4.—Short title.

WHEREAS by the Act 20 George V, Chapter 4, en-
titled "An Act relating to the establishment of an Elec-
tric Power Service on the Burin Peninsula," the Governor
in Council was empowered from time to time to grant to
United Towns Electric Company, Limited, the right to
use all or part of the power of the waters of North East
Brook at Lawn for the purpose of developing electrical
energy;

AND WHEREAS a demand has arisen for electrical
energy in the neighbourhood of St. Lawrence;

AND WHEREAS United Towns Electric Company,
Limited, has applied for the right to use the waters of
Waterfall Brook, Little St. Lawrence, for the purpose of
developing electrical energy.

Be it, therefore, enacted by the Governor, by and with A.D. 1938.
the advice of the Commission of Government, as fol-
lows:

1. The Governor in Commission shall have power to grant to United Towns Electric Company, Limited, the exclusive right to use the waters of Waterfall Brook at Little St. Lawrence for the purpose of the develop-ment of electrical energy for the production of light, heat and power for a term of fifty years from the date of the grant of the power of North East Brook at

Power to grant
use of Water-
fall Brook,
Little St.
Lawrence.

Lawn under the Act 20 Geo. V, Chapter 4, upon such terms and conditions as to the Governor in Commission may seem fit.

Certain provisions of 20 Geo. V, Cap. 4, to apply.

2. The provisions of the said Act save, however, Section 10, shall apply in respect of the said grant, in the same manner as they would have applied in respect of a grant of the water power at Garnish Brook, Garnish, or Main Brook, Marystown, under the provisions of the said Act.

Royalty on horsepower developed.

3. It shall be a term of such grant that the Company shall pay the Crown a royalty of ten cents per horsepower per year upon all electrical energy developed from the said water power; such royalty is to be calculated from the actual kilowatt hour output at the generator switchboard, plus 25% to cover losses of generation and conversion of power, which kilowatt hour output shall be multiplied by 1.34 (to convert to horse-power hours) and divided in the first or broken year by the actual number of hours of operation and in subsequent complete years of operation by the number of hours in the calendar year.

Short title.

4. This Act shall be read with the said Act 20 George V, Chapter 4, and the two together may be cited as the Electric Power Service (Burin) Acts, 1929-1938.

AN ACT TO REGULATE THE CLOSING HOURS OF
SHOPS AND OTHER MATTERS IN CONNECTION
THEREWITH IN THE EXPLOITS VALLEY

[18th October, 1938]

SECTION

- 1.—Definition.
- 2.—Application of Act.
- 3.—(1) Opening hour.
(2) Closing hours.
(3) Late day.
- 4.—Weekly half-holiday.
- 5.—Whole holidays.
- 6.—Exceptions as to closing.
- 7.—Mixture of trades.
- 8.—Delivery hours.
- 9.—Length of working hours.

SECTION

- 10.—Limitation of working hours.
 - 11.—Seats for female employees.
 - 12.—Sanitary conveniences.
 - 13.—Penalties.
 - 14.—Publication of orders.
 - 15.—Trades to which Act does not apply.
 - 16.—Date of coming into effect.
 - 17.—Short title.
- Schedule.

Be it enacted by the Governor, by and with the advice of A.D. 1938.
the Commission of Government, as follows:—

1. In this Act:

Definition.

- (a) “shop” means any premises where any retail trade or business is carried on, and any wholesale shop, and any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant.
- (b) “wholesale shop” means any premises occupied by a wholesale dealer or merchant where goods are kept for sale wholesale to customers resorting to the premises.
- (c) “Exploits Valley” means the towns or settlements of (a) Grand Falls with Grand Falls Station; (b) Bishop’s Falls; (c) Botwood, including Northern Arm and Peter’s Arm; (d) Norris Arm; (e) Badger; (f) Buchans; and

(g) Buchans Junction, together with all lands within a radius of five miles from the railway station in each of the said towns or settlements, but excluding Millertown and Millertown Junction.

(d) "Commissioner" means the Commissioner for Home Affairs and Education.

(e) "week" means the period from the beginning of Sunday to the end of Saturday.

Application
of Act.

2. This Act shall apply to shops in the Exploits Valley only.

Opening hour.

3. (1) No shop shall be open for the serving of customers before the hour of 8.30 o'clock in the morning of any day.

Closing hours.

(2) Every shop shall, save as otherwise provided by this Act, be closed for the serving of customers not later than 6.30 p.m. on every day except on one day in each week (hereinafter called "the late day") upon which day every shop shall be closed as aforesaid not later than 9 p.m.

Late day.

(3) The late day shall be Saturday, or Friday when Saturday is a whole holiday; unless the Commissioner shall by order fix some other day as the late day and any such order may fix:

(a) different days in different parts of the district;

(b) different days in different periods of the year.

4. (1) Every shop shall be closed for the serving of ^{Weekly} customers not later than 12.30 of the clock in ^{half-holiday.} the afternoon of one day in each week: Provided that in any week in which there is a whole holiday this section shall not apply.

(2) The Commissioner may, by order, fix the day on which every shop is to be so closed and any such order may fix:

(a) different days in different parts of the district, or

(b) different days for different periods of the year.

5. Every shop shall be closed for the serving of cus- Whole holidays.
tomers—

(a) on Sundays, New Year's Day, Good Friday, Empire Day, Labour Day, Armistice Day, Christmas Day, Boxing Day; and

(b) on such other days as the Commissioner may from time to time by order direct; and any such order may fix different days in different parts of the district.

6. Notwithstanding anything in this Act contained: ^{Exceptions as}
to closing.

(1) Every shop may remain open for the serving of customers not later than the hour of 8.30 o'clock in the evening in each of the six opening days immediately preceding Christmas Day in each year (Sundays excepted).

(2) Every shop in Grand Falls, Grand Falls Station, Bishop's Falls and Botwood may remain open for the serving of customers not later

than the hour of 9 o'clock in the evening on the general pay days in each month from time to time established and kept by the Anglo-Newfoundland Development Company, Limited, and every shop in Buchans may remain open not later than the hour of 9 o'clock in the evening on the general pay days in each month from time to time established and kept by the Buchans Mining Company, Limited.

Mixture
of trades.

7. Where more than one trade or business is carried on in the same shop, and any of those trades or businesses is of such a nature that if it were the only trade or business carried on in the shop, the shop would not be exempt from the obligation to be closed hereunder, the exemption shall not apply to such shop.

Delivery hours.

8. No goods purchased at any shop shall be delivered by or on behalf of the shopkeeper at the place of abode or business of the customer later than 10 o'clock in the evening.

Length of
working hours.

9. (1) No person employed in or in connection with a shop shall be kept on duty for a period exceeding five consecutive hours.

(2) Any person employed in or in connection with any such shop, who has been on duty for a period of five consecutive hours, or for five hours in the aggregate without relief for one continuous hour shall be entitled to relief from duty for a period of one hour.

(3) In calculating the said period of relief from duty any time allowed for meals or any other absence from duty shall be counted as part of the period of relief from duty.

Limitation of
working hours.

10. (1) No person shall be employed in any shop more than fifty-four hours in any one week.

(2) No person under eighteen years of age and no female shall be employed in any shop more than forty-eight hours in any one week.

(3) No person under eighteen years of age and no female shall be employed in any shop more than eight hours in any one day except—

(a) on the late day in any week;

(b) on the six opening days referred to in subsection (1) of Section 6 of this Act;

(c) on the general pay-days referred to in subsection (2) of Section 6 of this Act

on which days he or she may be employed until the respective closing hours herein provided with not less than two relief periods such as are referred to in Section 9 of this Act.

11. In all rooms of a shop where female shop assistants are employed in the serving of customers, the occupier of the shop shall provide seats behind the counter, or in such other position as may be suitable for the purpose, in the proportion of not less than one seat to every three female shop assistants employed in each room; and it shall be the duty of the occupier of the shop to permit female shop assistants so employed to make use of such seats save when the use thereof interferes with their work.

Seats for
female
employees.

12. (1) Every shop shall be provided with sufficient and suitable sanitary conveniences, regard being had to the number of persons employed in or in attendance at the shop.

Sanitary
conveniences.

(2) The Commissioner for Public Health and Welfare may by special order determine what is

sufficient and suitable accommodation within the meaning of this section.

Penalties.

13. (1) The occupier of any shop who contravenes any of the provisions of this Act or of any regulations or orders made under this Act shall be liable on summary conviction, upon the complaint of any person, to the following penalties:

- (a) In the case of a first offence, a fine not exceeding \$10.00 and in default of payment imprisonment not exceeding seven days.
 - (b) In the case of a second offence, a fine not exceeding \$50.00 and in default of payment imprisonment not exceeding one month.
 - (c) In the case of a third or subsequent offence, a fine not exceeding \$100.00 and in default of payment imprisonment not exceeding three months.
- (2) Where an offence for which the occupier of a shop is liable under this Act has been committed by a manager, agent, servant or other person, such manager, agent, servant or other person shall be liable to the like penalty as if he were the occupier.
- (3) Where the occupier of a shop is charged with an offence against this Act, he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for the hearing of the charge; and if after the commission of the offence has been proved, he proves to the satisfaction of the

Court that he has used due diligence to enforce the execution of this Act, and that the said other person has committed the offence in question without his knowledge, consent, or connivance, the said other person may be summarily convicted of such offence and the owner shall be exempt from any fine.

14. Orders made by the Commissioner under this Act shall be published in the Newfoundland Gazette and in one newspaper published or circulating in the Exploits Valley; and shall take effect from the date therein stated, or if none be stated, then from the date of publication. Publication of orders.

15. Sections 11 and 12 of this Act shall apply, but the remainder of this Act shall not apply to any shop in which the only trade or business carried on is a trade or business of any of the classes mentioned in the Schedule to this Act. Trades to which Act does not apply.

16. This Act shall come into force at midnight on the 31st day of October, 1938. Date of coming into effect.

17. This Act may be cited as the Exploits Valley (Closing Hours) Shop Act, 1938. Short title.

Schedule.**SCHEDULE**

- (a) The sale of refreshments for consumption on the premises.
 - (b) The sale of newspapers and periodicals.
 - (c) The sale of motor, cycle and aircraft supplies and accessories.
 - (d) The sale of tobacco and smokers requisites.
 - (e) The sale of medicines and medical and surgical supplies, or of funeral furniture.
 - (f) The sale of meat, fish, milk, cream, bread, fruit and like rapidly perishable foods, not tinned or otherwise preserved.
 - (g) The sale of confectionery.
 - (h) Post Office business.
 - (i) Newfoundland Railway business.
 - (j) Hotel.
 - (k) Barber Shop.
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AN ACT FURTHER TO AMEND THE NEWFOUND-
LAND FISHERIES BOARD ACT, 1936.

[October 24th, 1938]

SECTION

- 1.—Amendment Section 7 of No. 11 of 1936.
- 2.—Amendment of Section 10.
- 3.—Culler's licences.
- 4.—(1) Form of licence.
(2) Fees for licence.
- 5.—Oath of culler.
- 6.—Cancellation of licence.
- 7.—Culling without licence; penalty.

SECTION

- 8.—Culler to produce his licence if required.
- 9.—Culler taking bribes; penalty.
- 10.—Culler to obey orders of inspector.
- 11.—Disputes to be referred to inspector.
- 12.—Coming into force of Act.
- 13.—Repeal.
- 14.—Short title.
Schedules.

Be it enacted by the Governor, by and with the advice A.D. 1938.
of the Commission of Government, as follows:

1. Section 7 of the Newfoundland Fisheries Board Act, 1936 (the Act No. 11 of 1936) is hereby repealed and the following substituted therefor: Amendment
Section 7 of
No. 11 of 1936.

7. The Governor in Commission may make rules and regulations and from time to time alter and repeal the same as to any matter in respect of which the Governor in Commission or the Board may deem regulations necessary or desirable in the interests of the Island's trade in fish; and in particular, without prejudice to the generality of the foregoing, respecting the catching, curing, preparation, processing, and culling of fish, the terms of purchase and sale of fish as between persons in Newfoundland, the grading, packing, branding and marking for export, and the exporting of fish, and for inspection of the premises on or in which any of these operations are carried out, and for regulating sales and shipments of fish to the several mar-

kets and for regulating or prohibiting the use of any grades and kinds of salt for use in the preparation of fish.

Amendment of
Section 10.

2. Sub-section (1) of Section 10 of the said Act is hereby amended by striking out sub-paragraphs (a) and (b) and substituting therefor the following:

(a) Fees for licences of exporters and licences to export fish and for the inspection of fish and fees upon the issue and renewal of fish-cullers' licences.

(b) Moneys at present held by the Salt Codfish Board, which are hereby transferred to and vested in the Board.

Culler's
licences.

3. The Newfoundland Fisheries Board shall have power to issue licences to persons to cull codfish as between vendor and purchaser in Newfoundland, and to examine or provide for the examination of persons applying for or of holders of such licences.

Form of
licence.

4. (1) A culler's licence shall be in the form of Schedule A to this Act; and shall continue in force for a period of five years from its issue; and may be renewed by the Board from time to time for further periods of five years each.

Fees for
licence.

(2) There shall be paid to the Board the following fees:

On the issue of a culler's licence.....	\$1.00
On any renewal thereof.....	.50

Oath of culler.

5. Every person licensed as a culler shall before acting as such be sworn before a stipendiary magistrate or justice of the peace in the form of Schedule B to this Act;

and the magistrate or justice shall by virtue of this Act have power to take such oath and shall fill up the certificate endorsed on the licence in proof of such swearing.

6. The Board shall have power to cancel a culler's licence at any time without assigning any cause therefor. ^{Cancellation of licence.}

7. Any person who shall cull any codfish as between vendor and purchaser, whether he be the employee of either party or not, without being the holder of a culler's licence and having been duly sworn shall be liable on summary conviction to a fine not exceeding ten dollars or in default of payment to imprisonment for a period not exceeding seven days. ^{Culling without licence; penalty.}

8. A licensed culler shall at the time of culling of any codfish produce and exhibit his licence if so required by either the intending vendor or the intending purchaser of the fish; and if he proceeds to cull without so doing and either of the parties objects he shall be subject to the same penalty as if he had culled without a licence. ^{Culler to produce his licence if required.}

9. Any person who shall accept from any vendor or purchaser or from any person acting on behalf of such vendor or purchaser, any payment, reward, gift, or favour or the promise of any of them for his services as a culler of codfish, other than payment at the rate fixed by the Board for the culling of codfish shall be liable on summary conviction to a fine not exceeding fifty dollars or in default of payment to imprisonment for a period not exceeding thirty days, and shall also upon conviction forfeit his culler's licence. ^{Culler taking bribes; penalty.}

10. Every culler shall in culling any codfish comply with any proper orders or directions given by any Inspector appointed by the Board and empowered to supervise the culling of codfish who may be present at the time of such culling. ^{Culler to obey orders of inspector.}

Disputes to be
referred to
inspector.

11. In case any dispute shall arise between the vendor and purchaser as to the culling of any codfish by any licenced culler for the purpose of a sale such dispute shall be forthwith referred to the Board which shall instruct an Inspector to decide such dispute and the Inspector's decision shall be final and binding upon the parties.

Coming into
force of Act.

12. This Act shall come into force upon such day as the Governor in Commission may prescribe by proclamation published in the Newfoundland Gazette.

Repeal.

13. The Act 23 & 24 George V, Chapter 50 (the Fish Culling Act, 1933) shall upon this Act being brought into force by proclamation stand repealed: Provided that licences validly granted under the said Act and still in force shall be deemed to continue in force for their original term but under and subject to the provisions of this Act.

Short title.

14. This Act shall be read with the Act No. 11 and the Act. No. 14 and the Act No. 32 of 1936, and the four may be cited together as the Newfoundland Fisheries Board Acts, 1936-38.

Schedule.

SCHEDULE A.

Culler's Licence

This is to certify that A.B. of
has been licensed to cull codfish by the Newfoundland
Fisheries Board under the provisions of the Newfound-
land Fisheries Board Acts, 1936-38.

(Place)

(Date)

THE NEWFOUNDLAND FISHERIES BOARD,

.....
Secretary.

SCHEDULE B.

Schedule.

Culler's Oath

I, A.B., of, do solemnly swear that I will honestly, faithfully, and impartially, and to the best of my ability, cull all fish entrusted to me for culling, without fear, favour, or affection of or to any vendor or purchaser of such fish.

(Place)

(Date)

A.B.

Sworn before me at.....this.....
day of 193

J.P. (or as the case may be)

N.B.—This oath must be endorsed on the culler's licence.

AN ACT FOR THE ENCOURAGEMENT OF SHIPBUILDING

[7th November, 1938]

SECTION

- 1.—Interpretation.
- 2.—Inspectors.
- 3.—Bounties, on what ships paid.
- 4.—Bounties, scale of.
- 5.—Equipment; deduction in case part of equipment not new.
- 6.—Surveys for bounty. Substitution where surveys impracticable.
- 7.—Payment of bounty.
- 8.—Accrual of right to bounty; advances.

SECTION

- 9.—Variation of Schedules of Construction.
- 10.—Concession in respect of ships commenced since Jan. 1st, 1938.
- 11.—Repeal.
- 12.—Short title.
- Schedule A.
Construction under.
- Schedule B.
Construction under.
- Schedule C.
Construction under.
- Schedule D.
Construction under.

A.D. 1938

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:—

Interpretation.

1. In this Act, unless the context otherwise requires:

- (a) “ship” includes every description of vessel used for navigation not propelled by oars.
- (b) “ton” or “tonnage” refers to gross registered tonnage.
- (c) “inspector” means and includes the Chief or an Assistant Inspector.

Inspectors.

2. The Governor in Commission may appoint a Chief Inspector of Shipping and as many Assistant Inspectors as may be deemed necessary.

Bounties on what ships paid.

3. Bounties under this Act shall be paid only in respect of wooden ships suitable in the opinion of the Chief

Inspector for use in the fisheries of Newfoundland and registered in Newfoundland—

- (a) newly built in Newfoundland with new materials; and
- (b) equipped in Newfoundland with new materials, subject however to the provisions of Section 5 (2) of this Act; and
- (c) built in accordance with one of the Schedules of this Act or built in accordance with Lloyds' specifications and classed at Lloyds'; and
- (d) built under permit obtained from the Secretary for Natural Resources before the keel is laid; and completed within three years of the issue of such permit.

4. (1) The following bounties shall be payable ^{Bounties, scale of.} under this Act—

- (a) Upon ships of not less than 80 tons, classed at Lloyds', fitted with motor power, \$40.00 per ton up to 150 tons and \$20.00 per ton for each ton over 150 and not exceeding 300 tons.
- (b) Upon ships of not less than 80 tons, classed at Lloyds', fitted with sail power only, \$30.00 per ton up to 150 tons and \$20.00 per ton for each ton over 150 tons and not exceeding 300 tons.
- (c) Upon ships of not less than 20 tons, built according to Schedule A to this Act and fitted with motor power, \$40.00 per ton up to 100 tons and \$20.00 for each ton over 100 and not exceeding 150 tons.
- (d) Upon ships of not less than 20 tons built according to Schedule A to this Act and fitted

with sail power only, \$30.00 per ton up to 100 tons and \$16.00 for each ton over 100 and not exceeding 150 tons.

- (e) Upon ships of not less than 20 tons built according to Schedule B to this Act \$25.00 per ton up to 75 tons and \$10.00 for each ton over 75 and not exceeding 100 tons.
- (f) Upon ships of not less than 12 tons and not more than 30 tons built according to Schedule C to this Act and fitted with motor power, \$30.00 per ton.
- (g) Upon ships of not less than 12 tons and not more than 30 tons built according to Schedule C to this Act and fitted with sail power only, \$20.00 per ton.
- (h) Upon ships of not less than 100 tons built according to Schedule D to this Act, \$40.00 for every ton up to 150 tons.
- (2) In the case of ships suitable in the opinion of the Chief Inspector for use in the fisheries of Newfoundland, and fitted with motor power, if the engine be of Diesel or similar type using light fuel oil economically and approved by the Chief Inspector there shall be payable with the final instalment of ordinary bounty an additional bounty at the rate of ten dollars per horse-power on the horse-power of such engine as certified by the Chief Inspector, who may vary or adjust the manufacturer's rating in order to bring it into accord with British horse-power rating or for any other reason in his discretion.

5. (1) Ships built according to Schedules A, B, C and D shall be equipped with chains which have undergone Lloyds' test and with anchors, chain plates, deadeyes, steering-gear, hawse pipes, pumps, rigging and spars suitable to their tonnage, all of which shall be new; in the case of motor ships they shall be supplied with new internal combustion engines of a type and horsepower approved by the Chief Inspector costing landed and duty paid an amount equal to at least twenty-five per cent. of the total amount of bounty which would be payable upon the ship if she had no engine, together with such sails as the inspector may deem necessary for emergency use; and in the case of sailing ships, with sails suitable for their tonnage.

Equipment; deduction in case part of equipment not new.

- (2) If a ship, whose hull is newly built with new material according to one of the Schedules hereto is equipped in whole or in part with chains, anchors, chain plates, deadeyes, steering-gear, hawse pipes, rigging, spars or sails which are not new, then, provided that such materials which are not new have been passed and approved by an inspector, there may be paid in respect of such ship two-thirds of the bounty which would have been payable had all her equipment been new.

6. No bounty shall be paid in respect of any ship built and equipped according to Schedule A, B, C or D, hereto unless such ship has been surveyed:

Surveys for bounty. Substitution where surveys impracticable.

- (a) when the frames, beams and knees are in place, and before they are covered by planking;
- (b) when the ship has been planked and caulked, and she is ready for launching ;and

- (c) upon the completion of the ship, and the fitting of the gear and equipment:

Provided that in the case of a ship not surveyed as hereinbefore specified:—

- (a) if a permit to build shall have been obtained as hereinbefore provided; and
- (b) if the builder of such ship make affidavit before a justice of the peace, stating the efforts that have been made by him to have surveys made as hereinbefore provided, and that he has been unsuccessful, and that to the best of his knowledge and belief the ship has been built and equipped as provided in a named Schedule to this Act; and
- (c) if a competent shipbuilder other than the builder of the ship make affidavit before a justice of the peace that he has surveyed such ship, and that to the best of his knowledge and belief she is built and equipped as provided in the said Schedule to this Act; and
- (d) if upon a survey by an Inspector, after completion, a certificate be given by him that to the best of his knowledge and belief the ship is built and equipped according to the said Schedule to this Act—

a bounty may be paid in respect of such ship under Section 4 of this Act, according to the Schedule under which the Inspector has certified the ship.

Payment of
bounty.

7. The Commissioner for Natural Resources shall, upon receiving the certificate of the Chief Inspector that a ship has been built and surveyed in accordance with the provisions of this Act and is qualified for bounty,

cause to be paid out of any public funds which may have been voted for the purpose to the owner or to the nominee of the owner of such ship bounty at the rate appropriate in the case of such ship.

8. The right to bounty under this Act shall be held to accrue upon the final survey of the ship and upon her being measured for registered tonnage; but nevertheless the Commissioner for Natural Resources may cause to be paid from time to time such advances of bounty upon the certificates of the first and second surveys provided in Section 6 hereof as may be thought fit but not exceeding in all two-thirds of the bounty estimated to be due in respect of the vessel upon completion.

9. The Governor in Commission may from time to time by rules and regulations to be published in the Newfoundland Gazette add to, vary or rescind any of the provisions of Schedules A, B, C and D.

10. The Commissioner for Natural Resources may notwithstanding the provisions of Section 3 (d) and Section 6 of this Act pay bounty in respect of any ship the keel of which was laid on or after January 1st, 1938: Provided he is satisfied that the ship has undergone inspection as nearly in accordance with this Act as the circumstances will permit, and that such ship is built and equipped in accordance with one of the Schedules to this Act.

11. The Act No. 41 of 1934 entitled "An Act to repeal the Shipbuilding Act, 1933" is hereby repealed.

12. This Act may be cited as the Shipbuilding (Bounties) Act, 1938.

Schedule A.
Construction
under.

SCHEDULE A

Vessels Claiming Bounty

The thickness of plank used in planking, ceiling and decking shall be:

For vessels from 20 to 30 tons: planking, not less than 2 inches; ceiling, 2 inches; decking, $2\frac{3}{8}$ inches. Timber framing not less than 5 inches.

For vessels from 30 to 40 tons: planking, $2\frac{1}{4}$ inches; ceiling, 2 inches; decking, $2\frac{1}{2}$ inches. Timber framing not less than 5 inches.

For vessels from 40 to 60 tons: planking, $2\frac{1}{2}$ inches; ceiling, $2\frac{1}{4}$ inches;; decking, $2\frac{3}{4}$ inches. Timber framing not less than 6 inches.

For vessels from 60 to 90 tons: planking, not less than $2\frac{3}{4}$ inches; ceiling, $2\frac{1}{4}$ inches; decking, 3 inches. Timber framing not less than $6\frac{1}{2}$ inches.

For vessels from 90 tons upwards: planking, not less than 3 inches; ceiling, $2\frac{1}{2}$ inches; decking, 3 inches. Timber framing not less than 7 inches.

Plank and ceiling shall be through fastened; there shall be one bolt or trenail in each timber for every strake of plank and ceiling in all vessels over 25 tons.

Vessels under that measurement may be fastened under one bilge with galvanized or composition nails, one in each timber for every strake of plank. Nails are not to be used in substitution for bolts in planking vessels over 30 tons.

All planks over 7 inches in width shall have two bolts or trenails in each timber, caulked outside and wedged inside.

The frame shall be good, squared sound timbers, which shall not be more than 5 inches apart, and thoroughly fastened together with fore and aft bolts.

For planking there shall not be less than 5 feet shift between the butts and two butt bolts and one rivet bolt through each butt.

In timbering a vessel there shall be two trenails in each locking, and the locking shall be keyed.

Any vessel with raised deck shall have main deck go aft under the raised deck to the next beam. The raised deck beam shall have a rivet bolt through and bolted 2 feet apart; deck knees between the beams, fore and aft stringers at bilge, one inch thicker than ceiling, and to be 2 to 4 feet wide according to tonnage.

One stringer at each side of the bow with breast hook; one pair pointers aft.

Plates for bob-stay and fore-stay shall come back on main plank 18 inches long, and shall have three bolts in each plate.

For stem, keel and stern post there shall be good dove-tail plates.

Each vessel shall have a good windlass and windlass bitts riveted and bolted through the beams.

Each vessel shall be supplied with two pumps.

Each vessel shall be furnished with Lloyds' tested chains of suitable size and lengths, anchors, chainplates, deadeyes, steering gear, hawsepipes, rigging, sails and spars according to tonnage, all of which shall be new.

In all vessels, the keel, stem, stern-post, and the outside planking from the keel to the light water line shall be

of birch, juniper or other good sound hardwood and the inside bilge planks shall be one inch thicker than the plank above the bilges. The planking from the bilges upwards may be of juniper or good sound spruce.

Vessels over 70 tons shall be fitted with iron knees, four knees on each side. Three masted schooners to have six knees on each side, opposite the rigging. In the building of all vessels three strakes of planking shall intervene between butts fixed to the same timber. All timber used in the construction of such vessels shall be seasoned.

Schedule B.
Construction
under.

SCHEDULE B.

Vessels Claiming Bounty

The thickness of plank used in planking, ceiling and decking shall be:

For vessels from 20 to 30 tons: planking on top sides not less than 2 inches; under top side, $1\frac{3}{4}$ inches; ceiling, $1\frac{1}{2}$ inches; decking, 2 inches. Timbers not more than 7 inches apart.

For vessels from 30 to 40 tons: planking on top sides $2\frac{1}{2}$ inches; under top sides, $2\frac{1}{4}$ inches; ceiling, $1\frac{3}{4}$ inches; decking, $2\frac{1}{4}$ inches. Timbers not more than 7 inches apart.

For vessels from 40 to 60 tons: planking, $2\frac{1}{2}$ inches; ceiling, 2 inches; decking, $2\frac{3}{4}$ inches. Timbers not more than 7 inches apart.

For vessels from 60 to 75 tons: planking, $2\frac{1}{2}$ inches; ceiling, $2\frac{1}{4}$ inches; decking, $2\frac{3}{4}$ inches. Timbers not more than 5 inches apart.

For vessels of 75 tons and upwards: planking, $2\frac{3}{4}$ inches; ceiling, $2\frac{1}{2}$ inches; decking, $2\frac{3}{4}$ inches. Timbers not more than 5 inches apart.

Plank and ceiling shall be through fastened; there shall be one bolt or trenail in each timber for every strake of plank or ceiling in all vessels over 30 tons.

Vessels under 40 tons may be fastened under the bilge with galvanized or composition nails, one in each timber for every strake of plank. Nails are not to be used in substitution for bolts in planking vessels over 40 tons.

In vessels from 30 tons upwards with flush decks, the decking may be $\frac{1}{4}$ inch less in thickness.

The frame shall be of good, squared, sound timbers, thoroughly fastened together, and of sizes as per Schedule A.

For planking there shall not be less than $4\frac{1}{2}$ feet between the butts, and two spikes and one rivet bolt through each butt.

In timbering a vessel there shall be two trenails in each locking, and the locking shall be keyed.

Any vessel with a raised deck shall have the main deck go aft under the raised deck to the next beam. The raised deck beam shall have rivets or screw bolts through and bolted, 2 feet apart, deck knees between the beams, fore and aft stringers at bilge, 1 inch thicker than ceiling, and to be 2 to 4 feet wide, according to tonnage. One stringer each side of the bow, with breast hooks, one pair of pointers aft.

Plates for bob-stay and fore-stay shall come back on main plank, 18 inches long, and shall have three bolts in each plate.

For stem, keel and stern post there shall be good dovetail plates.

Each vessel shall have a good windlass and windlass bitts rivetted and bolted through beams.

Each vessel shall be furnished with Lloyds' tested chains of suitable sizes and lengths, anchors, chain plates, deadeyes, steering gear, hawse pipes, rigging, sails and spars, according to tonnage, all of which shall be new.

Each vessel shall be supplied with two pumps.

In all vessels the keel, stem, stern-post and outside planking from the keel to the light water line shall be of birch, juniper or other good, sound hardwood, and the inside bilge planks shall be one inch thicker than the plank above the bilges. The planking from the bilges upward may be of juniper or good sound spruce.

Each vessel shall have as many pairs of additional iron knees as the Inspector or Deputy Inspector shall deem necessary.

In the building of all vessels three strakes of the planking shall intervene between butts fixed to the same timber.

Schedule C.
under.
Construction

SCHEDULE C.

Vessels Claiming Bounty

The thickness of plank used in planking, ceiling and decking shall be:

For vessels from 12 to 20 tons: planking, not less than $1\frac{1}{4}$ inches; ceiling, $1\frac{1}{8}$ inches; decking, $1\frac{1}{4}$ inches. Timbers not more than 12 inches apart.

For vessels from 20 to 30 tons: planking on top sides not less than $1\frac{3}{4}$ inches; under top sides $1\frac{1}{2}$ inches;

ceiling, $1\frac{1}{4}$ inches; decking, $1\frac{3}{4}$ inches. Timbers not more than $10\frac{1}{2}$ inches apart.

For vessels from 30 to 40 tons: planking, 2 inches; ceiling, $1\frac{1}{2}$ inches; decking, 2 inches. Timbers not more than 8 inches apart.

Plank and ceiling shall be through fastened; there shall be one bolt or trenail in each timber for every strake of plank or ceiling in all vessels over 30 tons.

Vessels under this Schedule may be fastened under the bilge with galvanized or composition nails, one in each timber for every strake of plank.

All plank over 9 inches in width shall have two bolts or trenails in each timber, trenails to be caulked outside and wedged inside, for all vessels over 30 tons.

The frames shall be of good, sound timbers thoroughly fastened together, and of sizes as per Schedule A.

For planking, there shall not be less than 4 feet shift between the butts, and one rivet through each butt.

In timbering a vessel, there shall be two trenails in each locking and the locking shall be keyed.

Any vessel with a raised deck shall have the main deck go aft under the raised deck to the next beam. The raised deck beam shall have screw-bolts or rivet-bolts spaced 2 feet apart, deck knees between the beams, fore and aft stringers at bilge, 1 inch thicker than ceiling, and to be 2 to 4 feet wide, according to tonnage for vessels over 30 tons.

One pair of stringers each side of the bow, with breast hooks, for vessels over 30 tons,

For stem, keel and stern-post there shall be good dove-tail plates.

Each vessel shall have a good windlass and windlass bits, riveted and bolted through beams.

Every vessel under 30 tons shall be supplied with at least one pump and every vessel over 30 tons with at least two pumps.

In the building of all vessels under 30 tons, two strakes, and of all vessels over that tonnage three strakes of the planking shall intervene between butts fixed to the same timber.

Each vessel shall be furnished with Lloyds' tested chains of suitable sizes and lengths, anchors, chain plates, deadeyes, steering gear, hawse pipes, rigging, sails and spars, according to tonnage, all of which shall be new.

In all vessels the keel, stem, stern-post, the outside planking from the keel to the light water line, shall be of birch, juniper or other good, sound hardwood. The planking from the bilges upwards may consist of juniper or good sound spruce.

Schedule D.
Construction
under.

SCHEDULE D

Motor Vessels Suitable for the Seafishery Claiming Bounty.

Vessels claiming bounty under this Schedule shall be of not less than 100 tons. They shall be well and substantially built and be fitted with double stern posts forming a propellor aperture.

The dimensions of the stem, stern posts, keel, etc., shall be as follows—

Stem—Stem to be at least 12 inches sided and moulded and fitted with false stem.

Keel—Keel to be at least 12 inches sided and moulded, and be fitted with a keel shoe at least 3 inches deep.

Keelson—Keelson to be fitted not less than 12 inches sided and moulded.

Inner Stern Post—Inner stern post to be at least 12 inches square at ends, and to be increased in thickness in way of stern tube so that there shall be not less than 3 inches of solid wood around stern tube.

Outer Stern Post—Outer stern post to be at least 12 inches square.

Frame—The frame to be of good sound squared timbers, at least 7 inches sided and moulded. The timbers to be spaced not more than 5 inches apart, and to be thoroughly fastened together with fore and aft bolts. There shall be two trenails in each locking of timbers, and the locking shall be keyed.

Planking—Planking to be not less than 3 inches thick. All planks over 7 inches in width to have two bolts in each timber, or two trenails caulked outside and wedged inside. There shall be not less than 5 feet shift between the butts, and two butt fastenings and one rivet bolt through each butt. Three strakes of planking shall intervene between two butts fixed to the same timber.

Planking—Plank and ceiling shall be through fastened. At least one half of the fastenings in the vessel shall be trenails.

Ceiling—ceiling to be not less than 3 inches thick. Fore and aft stringers at bilge to be 1 inch thicker than ceiling, and to be 3 to 4 feet wide according to tonnage.

Decking—Deck planking to be 3 inches thick. Three strakes of decking shall intervene between two butts on the same beam.

Deck Beams—Deck beams to be at least 9 inches sided and moulded, but may be reduced to $7\frac{1}{2}$ inches moulded at ends. Deck knees to be fitted between the beams.

Stringer—Stringer at each side of bow, with breast hook to be fitted. An additional breast hook to be fitted between stringer and deck.

Pointers—Pointers to be fitted at stern.

Raised Deck—Where a raised deck is fitted, the main deck shall extend aft under raised deck to at least the next beam. The raised deck beam shall have rivet bolts through spaced not more than 2 feet apart.

Sheathing—Vessels under this Schedule shall be sheathed with green-heart or other approved hardwood not less than $1\frac{1}{2}$ inch thick. The sheathing to extend from covering board down for a distance of at least $7\frac{1}{2}$ feet. Iron stem plate to be fitted, and iron bow plates to be fitted to extend two feet from bow in on main plank.

Wood Rudder—Where a vessel is fitted with a wood rudder the diameter of the rudder head shall be at least 12 inches, and the rudder blade shall be protected with iron sheathing.

Iron Rudder—Where an iron rudder is fitted, the diameter of the rudder head shall be not less than $4\frac{1}{4}$ inches and the rudder shall be constructed to the satisfaction of the Inspector. Cast iron must not be used for rudder braces, gudgeons or pintles.

Material—In vessels built to this Schedule, the keel, stem, stern-post, and outside planking from keel to load

line, shall be of birch, juniper, or other good sound hardwood.

Propeller Aperture—The framework of the propeller aperture shall be efficiently strengthened by fitting either wood knees or iron knees to the satisfaction of the Inspector.

Dovetail Plates—Good dovetail plates to be fitted to keel and stem.

Bob-Stay Plates—Bob-stay and fore-stay plates shall extend aft on main planking at least 18 inches and shall have three bolts in each plate.

Iron Knees—Iron knees to be fitted; at least four knees on each side of vessel. Three mast vessels to have six knees on each side, two opposite each rigging. The fastening in knees to be not less than $\frac{7}{8}$ inch in diameter.

Windlass—Each vessel shall be fitted with a good approved windlass, and windlass bitts rivetted and bolted through the beams.

Pumps—Each vessel shall be fitted with two pumps of an approved type. The diameter of the barrels to be 4 inches, and the tail piping to be 3 inches in diameter.

Equipment—Each vessel shall be furnished with Lloyds' test chain cables of suitable size and lengths, anchors, chain-plates, deadeyes, steering gear, hawse pipes, rigging, sails and spars, according to tonnage, all of which shall be new.

Motor Engines—Each vessel shall be fitted with a motor engine capable of developing one brake horsepower to each gross ton of the vessel. All the machinery shall be fitted to the satisfaction of the Chief Inspector.

The size of propeller shafting, type of propeller, and the like requirements shall be subject to the approval of the Chief Inspector.

Fuel Tanks—Each vessel shall be fitted with oil fuel tanks of a capacity to carry at least 2,000 Imperial gallons.

AN ACT FURTHER TO AMEND THE ACT NO. 19 OF 1937 ENTITLED "AN ACT TO AUTHORIZE THE UNDERTAKING OF INSURANCE FOR THE PURPOSE OF MAINTAINING THE CODFISH TRADE WITH ITALY".

[October 31, 1938]

SECTION 1.—Amendment Section 1 of No. 19 of 1937; increase of aggregate insurance.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1938.

1. Section 1 of the Act No. 19 of 1937 entitled "An Amendment Act to authorize the undertaking of insurance for the purpose of maintaining the codfish trade with Italy" as amended by the Act No. 11 of 1938 is hereby further amended by striking out of sub-paragraph (ii) of Section 1 the figures "\$500,000.00" there inserted by the amending Act No. 11 of 1938 and substituting therefor the figures "\$750,000.00".

Section 1 of No. 19 of 1937; increase of aggregate insurance.

AN ACT FURTHER TO AMEND THE REVENUE
ACT, 1935.

[October 27th, 1938]

SECTION 1.—Amendment Revenue Act, 1935; Drawbacks on ship-
building materials.

A.D. 1938.

**Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:**

Amendment
Revenue Act,
1935; Draw-
backs on
shipbuilding
materials.

1. Schedule B to the Revenue Act, 1935, as hereto-
fore amended is hereby further amended by striking out
Item D1322 and substituting therefor the following:

Item No.	Goods	When subject to Draw- back, etc.	Proportion of duty (not in- cluding spe- cial duty or d u m p i n g duty) pay- able as Draw- back, etc,
D1322 —	Hardwood timber, spars in the raw state, wire rigging, machin- ery for windlass- es, patent wheel gear, iron pumps, chains, anchors, iron and copper for fastening, metal sheathing for bot- toms of vessels, motor engines for hoisting, motor en- gines for propul- sion, shafts and propellers.	Imported and used for the building or equipment of ves- sels in respect of which bounty shall be payable under the law in relation to ship- building, upon evi- dence satisfactory to the Board of Customs that the same have been used or installed in such vessels.	100%

AN ACT FOR THE CONFIRMATION OF AN AGREEMENT BETWEEN THE GOVERNMENT AND LABRADOR MINING AND EXPLORATION COMPANY, LIMITED.

[7th November, 1938]

SECTION

- 1.—Confirmation of Agreement.
2.—Taxation clause in Agreement to apply.

SECTION

- 3.—Judicature Act to apply to arbitrations.
4.—Act to extend to assignees, etc.
Schedule.

Be it enacted by the Governor, by and with the advice of A.D. 1938.
the Commission of Government, as follows:

1. The Agreement made between His Excellency Sir Confirmation of
Humphrey Thomas Walwyn, K.C.S.I., C.B., D.S.O., Gov- Agreement.
ernor of Newfoundland and its Dependencies in Com-
mission, of the one part, and Labrador Mining and Ex-
ploration Company, Limited, a Company incorporated
under the laws of Newfoundland and having its register-
ed office at St. John's, in the Island of Newfoundland, of
the other part, dated the 1st day of October, A.D.,
1938, and forming the Schedule to this Act is here-
by approved, confirmed and adopted, and all and singu-
lar the several clauses and provisions thereof are hereby
declared to be valid and binding upon the parties thereto
and each of them respectively and to have the force and
effect of law and all and singular the several acts, matters
and things therein provided to be done or performed by
or on the part of the parties respectively are hereby de-
clared to be proper and lawful and the parties and each
of them shall have full power and authority from time
to time to do and perform or omit to do and perform all
and singular the several acts, matters and things in and
by the said Agreement provided to be done or not to be
done, as the case may be, in the manner and with the

effect and under the conditions stipulated and provided in the said Agreement.

Taxation
clause in
Agreement
to apply.

2. Without limiting the generality of Section 1 hereof, the provisions of Clause 30 of the said Agreement with reference to the payment and exemption from payment of taxes shall apply as if enacted herein.

Judicature Act
to apply to
arbitration^s

3. Without limiting the generality of Section 1 hereof, the provisions of Clause 48 of the said Agreement shall apply as if enacted herein and as if Section 212 of the Judicature Act had not been passed.

Act to
extend to
assignees, etc.

4. Subject to the provisions of the said Agreement the provisions of this Act shall be deemed to extend to the nominee or nominees, assignee or assignees and successors of the said Labrador Mining and Exploration Company, Limited.

SCHEDULEAGREEMENT made at St. John's, ^{Schedule.}

in the Island of Newfoundland, this 1st day of October, Anno Domini One thousand nine hundred and thirty-eight, BETWEEN His Excellency Vice-Admiral Sir Humphrey Thomas Walwyn, K.C.S.I., C.B., D.S.O., Governor of the Island of Newfoundland and its Dependencies in Commission (hereinafter called "the Government") of the one part AND Labrador Mining and Exploration Company Limited, a body incorporated under the laws of Newfoundland and having its registered office at Water Street, in the City of St. John's, Newfoundland, (hereinafter called "the Company") of the other part.

(L.S.)

(Sgd.) Humphrey Walwyn

(Sgd.) Brian Dunfield
Secretary for Justice

WHEREAS by Agreement made between the Government and Weaver Minerals Limited pursuant to the powers conferred upon the Government by the Act No. 39 of 1936, and dated the 12th day of December, 1936, Weaver (Minerals) Limited undertook to conduct or cause to be conducted during the years 1936, 1937 and 1938 the examination, survey and development of an area of land in Labrador and to expend in connection with the said work in the said years the sum of at least one hundred and fifty thousand dollars (\$150,000.00);

AND WHEREAS Weaver (Minerals) Limited on the 31st day of March, 1937, transferred to the Company all its right, title and interest in, to and under the said Agreement for good and valuable consideration;

AND WHEREAS the Company has expended in connection with the said work in the said years certain sums of money;

AND WHEREAS the parties hereto are desirous of substituting the terms of this Agreement for the said Agreement of 1936 and have agreed that the said sums of money expended under the said Agreement of 1936 shall be taken as expended for the purposes of this Agreement;

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. This Agreement is made pursuant to the powers conferred upon the Government by the Act No. 39 of 1936.

2. This Agreement is made in substitution for the said Agreement made between the Government and Weaver (Minerals) Limited, dated the 12th day of December, 1936, all the right, title and interest of which was duly transferred to the Company as hereinabove recited, and as from the date of execution of this Agreement the provisions of the said Agreement of 1936 shall cease to have effect.

3. Subject to the provisions of Clause 52 hereof, the term of this Agreement shall be from the date hereof to the 31st day of December, 1945, unless previously terminated as hereinafter provided.

4. During the year 1938 and in each succeeding calendar year during the term of this Agreement the Com-

pany shall conduct or cause to be conducted the examination, survey and development of an area in Labrador bounded by a line commencing at the intersection of the fifty-fifth parallel of north latitude and the sixty-third meridian of west longitude, running thence south along the said sixty-third meridian to the fifty-third parallel of north latitude, thence west along the said fifty-third parallel to the sixty-sixth meridian of west longitude thence south by the said meridian to the Canadian boundary and thence in an irregular line by the said Canadian boundary (height of land) to its most easterly intersection with the fifty-fifth parallel of north latitude and thence by the said parallel to the point of commencement. The said survey, examination and development shall as to nature and extent be within the sole discretion of the Company.

5. The words "survey", "examination" and "development" whether used separately or together, shall without in any way limiting the generality thereof consist in whole or in part of ground survey by stadia or otherwise, geological surveying, aerial surveying, mapping and photograph, ground mapping and sketching, prospecting and examination in, on, over and under the said area to determine the location, nature and extent and the possibility of economic utilization of ores, mines, minerals, quarries, gas, coal, salt, petroleum and natural and other resources in, on, over and under the said area and for the purposes of the foregoing the examination of the physical features of the said area, the recording of weather and flying conditions and the ascertaining of means of communication and transportation to and within the said area, the recording of suitable locations for and the construction and establishment of bases, camps, trading, flying, radio and all other kinds of stations, flying fields, airharbours, airdromes and mines, and generally the taking of any and all other steps or the doing of any and all other acts or things which might prove necessary or

advisable or useful in connection with the work of survey, examination and development of, in, on, over and under the said area.

6. On or before the 31st day of March A.D., 1939, and thereafter on or before the 31st day of March in each subsequent year during the term of this Agreement the Company shall make to the Government a full and complete report accompanied with maps and plans of such survey, examination and development showing in detail the results obtained up to the end of the next preceding year and containing all relevant information relating to the said survey, examination and development, whether under this Agreement or under the Agreement of 1936.

7. In the year 1938 the Company shall spend or cause to be spent in connection with the said work of survey, examination and development at least such sum as shall be necessary to make up a total expenditure by the Company of at least one hundred and fifty thousand dollars (\$150,000.00) taking into account moneys expended by the Company under the said Agreement of 1936.

8. In the year 1939 and in each succeeding year during the term of this Agreement the Company shall spend or cause to be spent the sum of at least fifty thousand dollars (\$50,000.00) in connection with the said work.

9. There shall be included in the yearly sums of fifty thousand dollars (\$50,000.00) required to be spent under Clause 8 hereof and in the sum of money required to be spent under Clause 7 hereof the cost of all consumable supplies, the expenses of forwarding officers, personnel, and supplies to and from the said area and to Newfoundland or Labrador in connection with the said work, the cost of all aeroplanes and accessories thereof purchased for use in the said work or in connection therewith, the cost of all flying and incidental operations, the

salaries and wages of officers and employees (but not directors' fees), the cost of plant, machinery, equipment, tools, supplies, and the freight and customs and other duties thereon, the cost of purchase or chartering of any watercraft required to transport the goods within or into Newfoundland for use in the said area or in connection with the said examination, survey and development, and in so far as the same relate to the said work of survey, examination and development, the office and other expenses of any company or companies organized to carry out the said work or all or any part thereof and generally all and any expenses of the Company and the said companies or any subsidiary wholly or partially owned or controlled by and any company allied, affiliated or associated with the Company which have been incurred in connection with the said work or all or any part thereof.

10. In the event that the Company shall have spent in the year 1939 or in any subsequent year during the term of this Agreement any amount in excess of fifty thousand dollars (\$50,000.00), then any amount or amounts so disbursed in excess of fifty thousand dollars (\$50,000.00) shall be applied on the minimum sum of fifty thousand dollars (\$50,000.00) required to be spent in any succeeding year or years and the obligation of the Company to spend at least fifty thousand dollars (\$50,000.00) in any such succeeding year or years against which such excess has been applied shall be reduced by the amount of such excess.

11. In the event that the Company shall have spent during the year 1938 a sum of money in excess of the amount required to be spent under Clause 7 hereof in connection with the survey, examination and development of the said area then any amount so spent in excess shall be applied on the minimum sum of fifty thousand dollars (\$50,000.00) required to be spent in the year 1939 or any succeeding year and the obligation of the Company to

spend at least fifty thousand dollars (\$50,000.00) in any year against which such excess has been applied shall be reduced accordingly.

12. On or before the first day of May, 1939, and on or before the first day of May in each succeeding year during the term of this Agreement the Company shall cause to be given to the Government proof that at least fifty thousand dollars (\$50,000.00) is available for the conduct of the said work of examination, survey and development in such year: Provided that for the purposes of this clause expenditure previously incurred in excess of the Company's minimum obligation and applicable under the preceding clauses to such succeeding year may be taken into account.

13. The Company shall from time to time in every year during the term of this Agreement submit to the Government Geologist of Newfoundland for his information and comment a programme of work from time to time to be undertaken by the Company.

14. The Company shall on or before the first day of May, 1939, submit to the Government an account showing the total expenditure incurred in connection with the work of survey, examination and development during the years 1936, 1937 and 1938 whether under this Agreement or under the Agreement of 1936.

15. The Company shall submit to the Government yearly accounts showing the expenditure that has been incurred in connection with the work of survey, examination and development. The accounts for the calendar years 1939, 1940, 1941, 1942, 1943 and 1944 shall be submitted on or before the first day of May in the year next succeeding each of the said years and the account for the calendar year 1945 shall be submitted on or before the 31st day of December, 1945.

16. The accounts required to be submitted by Clauses 14 and 15 hereof shall be certified by some reputable firm of auditors and shall set forth such detail and be verified in such manner as may reasonably be necessary to satisfy the Government that the expenditure therein set forth has actually been made.

17. In the event that the Company shall fail in any year to submit any account in accordance with the provisions of the preceding clauses hereof or in the event that the account submitted under Clause 14 hereof shall fail to show an expenditure in the sum of at least one hundred and fifty thousand dollars (\$150,000.00) or in the event that any account submitted under Clause 15 hereof shall fail to show additional expenditure in each year at least in the sum of fifty thousand dollars (\$50,000.00) the Government shall notify the Company and the Company may within three months of the giving of such notice remedy the omission and submit accounts as provided by this Agreement to the reasonable satisfaction of the Government but in default of the submission of such accounts shall within six months of the giving of such notice proceed to make such selection as it shall be entitled to do under Clause 19 of this Agreement and save in respect of any right to make such selections and in respect of the areas within such time selected this Agreement shall upon the expiration of the said period of six months from the giving of such notice terminate: Provided that for the purpose of this clause excess expenditure which may be applied to a subsequent year under the provisions of Clauses 10 and 11 hereof shall be deemed to have been incurred in the year to which the expenditure has been applied.

18. The area defined in Clause 4 and to be subject to examination, survey and development shall be reduced on the 31st day of March, 1940, by fifteen per cent.

and on the same date in each succeeding year up to and including the 31st day of March, 1945, by fifteen per cent. as follows:

- (a) The Company may indicate to the Government in writing on or before the 31st day of March in any of the said years the area it desires to abandon.
- (b) If the Company does not so indicate in any year the Government may withdraw any area equal to fifteen per cent of the original area above mentioned and shall notify the Company of such withdrawal.
- (c) If the Company has failed to indicate in any year the area it desires to abandon as provided in paragraph (a) hereof and the Government has given notice of withdrawal as provided in paragraph (b) hereof then such notice of withdrawal by the Government shall have effect:
 - (i) as from the date of such notice if it is given on or before the 30th day of June in such year, and
 - (ii) if it is given later than the 30th day of June in such year then such notice shall take effect on the 1st day of January next following the date of such notice:

Provided that in the event of a notice of withdrawal being given by the Government in respect of an area which contains any area which the Company desires to retain then the Company may substitute any area equal to the area to be with-

drawn within three months of the coming into effect of such notice from the Government.

19. Provided that all the obligations imposed upon the Company under this Agreement have been discharged up to that date the Company shall be entitled at any time and from time to time up to the end of the calendar year 1945 to select from the area described in Clause 4 of this Agreement as from time to time reduced under Clause 18 hereof an area or areas not exceeding two hundred square miles for every fifty thousand dollars spent under Clauses 7 and 8 of this Agreement and under the Agreement of 1936 and not exceeding two thousand square miles in all.

20. The selection of an area under the preceding clause shall be made by the Company by application in writing to the Government for the issue of a licence under Clause 22 hereof and in the event that the Company has made no such application on or before the 31st day of December, 1945, all rights of the Company under this Agreement shall terminate: Provided however that if the Company shall on or before the 31st day of December, 1945, notify the Government that it requires an additional period of time not to exceed four months in which to make any selection which it is entitled to make, then the Government shall allow such additional period of time and this Agreement shall terminate upon the expiration thereof.

21. Previous to its application the Company shall make a proper survey of the boundaries of the area or areas to be selected and shall erect corner posts and cut lines or otherwise mark the boundaries of each area and its application in each case shall be accompanied by a plan showing such corner posts and boundaries. Such surveys shall in each case be connected

with some permanent and prominent natural feature marked properly by means of a permanent reference point, the latitude and longitude of which shall be determined in the course of such survey, or shall be tied in to some previous survey of the Company for which such determinations have already been made.

22. The Government shall upon such application forthwith grant to the Company a licence or licences (hereinafter called ten year licences) for such selected area or areas for a period of ten years during which the Company shall have the right within the said area or areas to survey, examine and develop the said area or areas and the exclusive right to prospect and search for minerals, salt, petroleum, gas, coal and precious stones upon the condition that the Company shall pay yearly and in each year a rental of five cents per acre. The first payment of the said rental shall be made on the 31st day of December next following the date of the licence and shall be a sum calculated on the basis of five cents per acre per annum for the period between the date of the said licence and the said 31st day of December. The subsequent rental payments at five cents per acre per annum shall be made on the 31st day of December in each and every year. The said licence or licences shall be upon the further condition that the Company shall maintain its corner posts and boundary lines sufficiently and according to the usual approved practice.

23. During the subsistence of any ten year licence or licences issued under Clause 22 hereof the Company shall out of the aggregate area for which it shall have received a ten year licence or licences surrender to the Government at least such portion of such area as is in excess of a total aggregate of one thousand square miles and upon such surrender the proportionate rental due to the date of surrender shall be paid but thereafter the

rental reserved in such ten year licence or licences shall no longer be payable upon the portion of such area surrendered and the obligation to maintain corner posts and boundary lines thereon except in so far as they constitute the boundaries of the area or areas or portions thereof retained shall cease.

24. At any time and from time to time during the subsistence of any ten year licence or licences the Company may apply to the Government in respect of areas held under such ten year licences and which have not been surrendered under the provisions of the previous clause for the issue of licences under Clause 26 hereof of an area or areas not exceeding in the aggregate one thousand square miles.

25. Previous to its application under Clause 24 hereof the Company shall make a proper survey of the boundaries of the areas to be selected and shall erect corner posts and cut lines or otherwise mark the boundaries of each area and its application in each case shall be accompanied by a plan showing such corner posts and boundaries. In so far as corner posts and boundary lines of the said area or areas shall have been erected and cut and maintained in pursuance of the covenant in that behalf contained in Clause 21 hereof the Company shall not be bound to erect or cut new or additional corner posts or boundary lines.

26. The Government shall upon such application under Clause 24 hereof issue to the Company a licence or licences (hereinafter referred to as "forty year licences") of such area or areas applied for in accordance with Clause 24 hereof for a period of forty years from the respective dates of such licences during which the Company shall have the right within the said area or areas further to survey, examine and develop the said area or areas and the exclusive right to prospect and search for

minerals, salt, petroleum, gas, coal and precious stones upon the condition that the Company shall pay yearly and in each year the sum of five cents per acre. The first payment of the said rental shall be made on the 31st day of December next following the date of the licence and shall be a sum calculated on the basis of five cents per acre per annum for the period between the date of the said licence and the said 31st day of December. Subsequent rental payments at five cents per acre per annum shall be made on the 31st day of December in each and every year. The said licence or licences shall be upon the further condition that the Company shall maintain its corner posts and boundary lines sufficiently and according to the usual approved practice.

27. At any time and from time to time during the subsistence of any forty year licence or licences issued under Clause 26 hereof the Company may surrender to the Government all or any part or parts of any area or areas held under such forty year licence or licences as the Company shall in its discretion decide and upon such surrender the proportionate rent due to the date of surrender shall be paid but thereafter the rental reserved in such licence or licences shall no longer be payable and the obligation to maintain corner posts and boundary lines in respect of any area surrendered shall cease but any new corner posts and boundary lines rendered necessary by the partition of any licensed area shall forthwith be made and maintained.

28. The Company may at any time during the subsistence of a ten year licence or a forty year licence apply to the Government for a mining lease in the form provided in the Schedule hereto for any part of the area covered by such licence and provided that all obligations of the Company under this Agreement and under such licence have been fulfilled the Government shall forthwith issue such mining lease and upon the issue of such mining

lease the obligation of the Company to pay the rental of five cents per acre per annum upon the area comprised in such mining lease shall cease and shall be replaced by the obligation contained in such lease: Provided that the aggregate area in respect of which mining leases may be issued shall not exceed one thousand square miles.

29. Whilst the Company shall be entitled to mining leases for the entire area up to one thousand square miles applied for in accordance with Clause 28 hereof it is agreed that no one mining lease shall comprise an area exceeding eight square miles.

30. During the currency of this Agreement and of the licences and mining leases issued hereunder the Company shall be liable to the payment of all taxes including import duties and taxes imposed by the general law of the Colony on all persons or corporations as well as to the rentals and royalties hereby agreed and other amounts payable under this Agreement or under any lease, licence or right granted hereunder but the Company shall not be liable to pay any taxes imposed either generally or specifically upon mines or minerals or specifically upon persons carrying on the business of mining in respect of its operations under this Agreement or in respect of mines, minerals or metals made, produced, won, gotten, raised or removed by the Company under the provisions of mining leases issued hereunder, or otherwise in accordance with the terms of this Agreement.

31. Except as herein or in the licences or leases issued hereunder provided, the Company shall at all times be subject to the general laws of Newfoundland and in particular to any Acts or Regulations from time to time in force in relation to safety in mines or mining operations or to the employment, protection and care of workmen engaged therein or in connection therewith.

32. The Government hereby covenants and agrees that it shall not grant to any other person, firm or corporation during the term of this Agreement any right to examine, survey, prospect or develop or any rights in or to any mines, minerals, quarries, gas, coal, salt or petroleum within the limits of or in or on or under any area or areas from time to time retained by or subject to licence or lease to the Company: Provided that the provisions of this clause shall not apply in respect of any area or areas or a portion thereof whenever in respect of such area or such portion thereof the obligations of the Company under this Agreement or under any lease or licence issued hereunder have not been fulfilled.

33. The Company shall have the right at any time and from time to time without payment of any royalty to remove reasonable quantities of rock, ores or minerals from any area or areas from time to time retained by or reserved to it under the terms hereof or subject to licence hereunder and to export the same for the purpose of the sampling, bulk sampling and assaying thereof.

34. The Company shall not remove any ores, minerals, concentrates, salt, petroleum, natural gas, coal, precious stones or other stones or minerals whatsoever from the areas subject to this Agreement save as provided in the preceding clause or under the provisions of a mining lease issued under this Agreement and valid and subsisting.

35. (1) The Company shall not remove from any area held under a mining lease hereunder and shall not sell, manufacture, process or otherwise dispose of any natural gas, salt, petroleum or precious stones until the amount of royalty payable thereon has been settled by agreement in writing between the Company and the Government.

- (2) In the event that such agreement in writing has not been made at the time of issue of any mining lease under Clause 28 hereof, the provisions of sub-clause (1) of this clause shall apply to and be read as a condition of such lease.
- (3) In the event that such Agreement in writing has been made at the time of issue of any such mining lease then such lease shall provide for the payment of the royalties agreed and the form of lease in the Schedule hereto shall be altered accordingly.

36. No licence shall be issued under Clause 22 hereof unless the provisions of this Agreement as to submission of accounts have been complied with.

37. The Government hereby undertakes and agrees to grant to the Company the right to develop water powers for its operations in consideration of an annual rental, licence tax or fee at a rate subject to mutual agreement but based in so far as may be on a rate of approximately fifteen cents per horse power developed or to be developed subject nevertheless to the provisions of Clause 40 hereinafter contained.

38. The Government hereby undertakes and agrees to grant to the Company the right at any time and from time to time to take from the area hereby reserved to the Company and from other Crown lands in such locality and upon such terms as may be mutually agreed on any and all timber which may be reasonably necessary in connection with its operations subject nevertheless to the provisions of Clause 40 hereinafter contained.

39. The Government hereby undertakes and agrees to grant to the Company from time to time such unoccu-

pied Crown lands in Labrador whether upon the area herein described or not as may be reasonably necessary in connection with its operations including, without limiting the generality of the foregoing, such lands as may be reasonably necessary as a right of way or rights of way for telegraphs, telephones, railways, tramways, or roads or sites for mills, works, factories or warehouses or for other purposes incidental to the operations of the Company on such terms and conditions as to rental, or otherwise as may from time to time and as to each particular request be mutually agreed upon as reasonable and equitable between the parties hereto and subject nevertheless to the provisions of Clause 40 hereinafter contained.

40. The undertaking and agreement of the Government to grant to the Company rights to develop water powers to take timber and to convey unoccupied Crown lands as set forth in Clauses 37, 38 and 39 of this Agreement shall have effect subject to the conditions following:

- (a) The grant of any such right may be by lease, licence or grant in fee simple as may be agreed and shall be made only after the grant of a mining lease under Clause 28 of this Agreement and upon application made by the Company during the subsistence of one or more such leases.
- (b) The undertaking and agreement of the Government contained in the said Clauses 37, 38 and 39 shall not have effect to prevent the Government from granting at any time to any persons any right to develop water power or any right to take timber or any Crown lands whenever any such rights or Crown lands have not

been granted to the Company or specifically agreed to be granted.

- (c) The grant of any right to develop water power to take timber or of Crown lands shall be of such water power or of such timber or of such Crown lands only as shall be reasonably necessary for the efficient conduct of the operations of the Company described in the following clause of this Agreement.

41. The operations of the Company referred to in the preceding clause shall include only the following:

- (a) The working and operating of mines within an area leased to the Company hereunder.
- (b) The extracting, producing and processing of minerals from such mines.
- (c) The transportation of such minerals.
- (d) The transportation of goods and supplies and the construction of houses for officials employees and workmen of the Company, warehouses and other buildings and plants for the treatment of minerals, and the provision of light, heat and power therefor: Provided that in respect of each of the operations in this paragraph mentioned such operations are reasonably necessary for the efficient conduct of the operations of the Company referred to in paragraphs (a), (b) and (c) of this clause.

42. It is understood and agreed that the Company shall have the right to sell, assign, transfer, set over, lease or otherwise dispose of in whole or in part its rights

under this Agreement and/or any rights acquired by it in pursuance hereof and to have its obligations hereunder or thereunder assumed by any other person, firm or corporation, provided that such sale, assignment, transfer, setting over, leasing or other disposition shall be without prejudice to the rights of the Government against the Company for any obligation of the Company previously accrued or for any breach of this agreement which has occurred antecedent to such sale, assignment, transfer, setting over, leasing or other disposition.

43. This Agreement shall be binding upon and enure to the benefit of the parties hereto their nominee or nominees, assignee or assignees and successors and the exercise of any right of assignment under this Agreement or any lease, licence, grant or right whatsoever shall not prejudice or affect the right of the Government to enforce any obligations under this Agreement or under the terms of such lease, licence, grant or other right.

44. When and so often as the Company shall exercise any of its rights to sell, assign, transfer, set over, lease or otherwise dispose of its rights under this Agreement or licences or leases issued thereunder, it shall forthwith forward to the Government a copy of the document or documents of sale, assignment, transfer, setting over, leasing or other disposition certified as a correct copy under the hand of a responsible officer of the Company and upon receipt of the same the Government shall be entitled to deal with the party to whom such sale, assignment, transfer, setting over, lease or other disposition is made in all respects in like manner as with the Company or other person to which the lease, licence, grant or right was originally given or made.

45. Except where it is necessary for the Company to employ technical experts the Company shall at all times

employ Newfoundland workmen provided same shall be available.

46. The registered office of the Company or any subsidiary to the Company shall be in British territory.

47. Wherever the word "Company" or the words "parties hereto" (in so far as the same refer to or may mean the Company) is or are mentioned the said word or words, as the case may be, shall, unless the context otherwise clearly indicates, be deemed to be and shall mean the Company and any and all subsidiary companies from time to time wholly or partially owned or controlled by the Company and/or any other nominee or nominees, or assignee or assignees, of the Company, and any person, firm or corporation associated, affiliated or allied with the Company.

48. Should any dispute arise between the parties hereto the same shall be submitted to arbitration, each party shall appoint one arbitrator and the said two appointees shall appoint a third. The provisions of the Judicature Act, except Section 212 thereof, shall apply to all such arbitrations.

49. This Agreement shall be construed according to the laws of Newfoundland.

50. Notices to be given by the Company to the Government under this Agreement shall be good and sufficient if mailed by registered post prepaid and addressed to the Secretary of the Commission of Government for Newfoundland, St. John's, Newfoundland.

51. Notices to be given by the Government to the Company under this Agreement shall be good and sufficient if mailed by registered post prepaid and addressed

to the registered office of the Company and upon execution of this Agreement the Company shall notify the Government of the location of its registered office and shall notify the Government from time to time of any change thereof.

52. Notwithstanding the termination of this Agreement, the terms and provisions hereof shall remain in full force and effect with respect to any and all licences or leases which the Company may have secured hereunder prior to such termination or to which it has become entitled hereunder prior to such termination, or to which it may become entitled hereunder subsequent to such termination.

AND TO THIS AGREEMENT INTERVENED:

Weaver (Minerals) Limited, a body politic and corporate, duly incorporated under the laws of the Dominion of Canada and having its office and principal place of business in the City of Montreal, in the Province of Quebec, in the Dominion aforesaid, hereinafter referred to as "the Intervenant", which said Intervenant hereby acknowledges to have taken communication of the foregoing and to be content and satisfied therewith, the Intervenant hereby declaring that it transferred to the Company on the 31st day of March, 1937, all its right, title and interest in, to and under the said Agreement between the Government and the Intervenant, dated the 12th day of December, 1936, for good and valuable consideration duly had and received.

IN WITNESS WHEREOF His Excellency has caused the Great Seal of Newfoundland to be affixed to this Agreement and the Company and the Intervenant have executed this Agree-

ment in accordance with their rules and regulations.

By His Excellency's Command,

(Sgd.) J. A. WINTER

Commissioner for Home Affairs and Education.

The Common Seal of
Labrador Mining and
Exploration Company
Limited was hereto
affixed in the presence
of:

(L.S.)

(Sgd.) A. H. McKAY
Vice-President

(Sgd.) R. B. WIGHTMAN
Secretary-Treasurer

The Common Seal of
Weaver (Minerals)
Limited was hereto
affixed in the presence
of:

(L.S.)

(Sgd.) A. H. McKAY
Director

(Sgd.) R. B. WIGHTMAN
Secretary-Treasurer

annual rental as the period between the date hereof and December 31st next shall bear to one year.

AND the Lessee hereby covenants with the Lessor:—

(1) That it the Lessee will during the said term pay unto the Lessor the rent hereby reserved at the times and in the manner hereinbefore mentioned less in any year such sum or sums as shall be payable or have been paid in such year by the Lessee by way of royalty reserved in the covenant in that behalf and should the said sum payable or paid by way of royalty in any year be equal to or greater than the rent hereby reserved no rent shall be payable by the Lessee in such year.

(2) To pay to the Lessor by way of royalty on all ores, minerals, concentrates, salt, petroleum, natural gas, coal and precious stones hereby demised which shall have been removed from off the demised premises or delivered to a smelter or consumed on the premises—

- (a) the sum of ten cents per ton of twenty-two hundred and forty pounds on iron ore and on coal;
- (b) on all other minerals and/or concentrates thereof a sum equal to one-thirtieth of the total value of the gross receipts from sales of any metals, concentrates or minerals produced from the demised premises less expenses necessary to market the same, such expenses to include costs of transportation and realisation (save selling commission). "Gross receipts" for this purpose shall be the amount or sum of amounts received by the lessee from the sale of such metals, concentrates or minerals as shown by certified account sales.

- (c) On oil, natural gas, salt, petroleum and precious stones a royalty to be set at a later date by mutual agreement between the Lessor and the Lessee.

(3) That the Lessee shall keep full and proper books of account and records of all such ores, minerals, concentrates, salt, petroleum, natural gas, coal and precious stones produced, won, gotten, raised and removed from off the demised premises and/or delivered to a smelter or otherwise disposed of thereon and such books of account and records shall contain full particulars of the disposal of the same and of all sales, and of the expenses of marketing the same together with the names and addresses of the persons to whom and the prices at which such sales are effected and of the persons to whom such expenses are paid and all data and particulars necessary and proper for enabling the lessor to ascertain the royalty payable.

(4) That the Lessor may by its duly authorized agent or representative at all reasonable times inspect the said books of account and records and take extracts therefrom for the information of the Lessor.

(5) That the Lessee shall on the 15th day of February next and on the 15th days of February in each year thereafter at its own expense make and deliver to the Lessor a correct account in writing signed by some responsible officer of the Lessee and verified by affidavit of such officer of all ores, minerals, concentrates, salt, petroleum, natural gas, coal and precious stones produced, won, gotten, raised and removed from off the demised premises and/or delivered to a smelter or otherwise disposed of thereon, during the calendar year ending December 31st preceding the date of the said account and shall include in such account full particulars of all such mat-

ters as are necessary to show the proper royalty payable and shall accompany such account with payment of the royalty shown by the said account to be then due and payable.

(6) To work and get the demised ores, minerals, salt, petroleum, natural gas, coal and precious stones in a skilful and workmanlike manner according to the most approved practice for the time being adopted in similar mines and fields.

(7) To permit the Lessor by its agents at all reasonable times to enter upon and inspect and examine the mine or mines and premises and every part thereof for the purpose of ascertaining the condition thereof and the manner of working and managing the same: Provided however that such inspection and examination shall in no way interfere with the working by the Lessee of the property.

(8) To maintain throughout the term hereby granted good and sufficient corner posts or mounds and boundary marks according to the most approved practice for the time being.

(9) Except where it is necessary to employ technical experts the Lessee shall at all times in the working and production of ores, minerals, salt, petroleum, natural gas, coal and precious stones hereby demised employ Newfoundland workmen provided same shall be available.

(10) The Lessee shall not assign, transfer or sublet the rights described in this lease or any interest therein without the consent in writing of the Governor-in-Commission being first had and obtained, provided however that such consent shall not be unreasonably withheld,

AND the Lessor hereby covenants with the Lessee as follows:—

(1) That the Lessee paying the rent and royalties hereby reserved and observing performing and fulfilling the several covenants and conditions herein contained and on the part of the Lessee to be paid observed performed and fulfilled shall peaceably hold and enjoy the mines premises liberties and powers hereby demised and granted during the said term without any interruption by the Lessor or any person rightfully claiming under or in trust for it.

(2) That the Lessor will on the written request of the Lessee made before the expiration of the term hereby created if there shall not at the time of such request be any existing breach of the covenants on the part of the Lessee hereinbefore contained, or any failure on his part to pay rent and royalty at the expense of the Lessee grant to him a lease of the demised premises for the further term of thirty years from the expiration of the said term at the same rent and containing the like covenants and conditions as are herein contained (with the exception of the present covenant for renewal) provided that the parties hereto do not in the meantime mutually agree upon a variation in the said covenants and conditions.

AND it is mutually agreed by and between the parties hereto:

(1) That the Lessee may at any time determine the tenancy hereby created by giving to the Lessor six calendar months previous notice to that effect and thereupon provided the Lessee shall up to the time of such determination pay the rent and royalties and observe and perform and fulfil the covenants and conditions on the part of the Lessee to be paid observed performed and ful-

filled the present demise and everything herein contained shall cease and be void save in respect of anything which ought to be paid observed and performed upon or before the determination of the tenancy.

(2) If at the determination of the tenancy there shall be ore, minerals, concentrates, salt, petroleum, natural gas, coal or precious stones which have been produced, won, gotten and raised before the determination of the said lease and not removed from off the area the Lessee shall have the right to remove the same within a period of twelve calendar months from the date of the determination of the tenancy paying thereon the royalty hereby reserved upon such removal, and shall have full right of access to the property for the above purposes.

(3) If at the determination of the tenancy the Lessor shall be desirous of purchasing all or any of the moveable machinery, plant and other articles and things of the Lessee in upon or under the demised mines or any lands which shall then be used or accepted by the Lessee and used in connection with the working, getting, and/or treating of the minerals hereby demised (including all things in the nature of fixtures which would be moveable by the Lessee) and of such its desire shall give notice in writing to the Lessee two calendar months at least before the determination of the tenancy (unless determined by re-entry in which case the notice may be given within two calendar months after such determination) then and in such case the articles and things specified in such notice shall not be removed by the Lessee but shall be taken by the Lessor at a price to be agreed upon between the parties or in case of differences to be settled by arbitration as hereinafter provided, the valuation to be made on the assumption that the premises hereby demised will be carried on and worked after the determination of the tenancy and to be paid by the Lessor within three calendar months after settlement of the price with interest

thereon at the rate of five per centum per annum from the date of settlement until payment.

(4) In case the Lessor shall not give notice of its intention to purchase as aforesaid all or any of the said articles or things or having given such notice shall not with all convenient speed concur with the Lessee in taking all proper steps for ascertaining the price and value thereof or shall not pay the amount of such valuation within the period of three calendar months as aforesaid then and in such case it shall be lawful for the Lessee to remove the articles and things not so purchased and paid for at any time within three months after the determination of the tenancy or if there shall have been such default by the Lessor as aforesaid within three calendar months after such default the Lessee doing as little damage as may be to the said premises and works.

(5) If and whenever any of the rents or royalties hereby reserved or any part thereof shall be in arrear for thirty days (whether the same shall have been legally demanded or not) the Lessor may (as an additional remedy and without prejudice to the power of distress and other rights and remedies to which it would be entitled) enter into and upon any of the mines, lands, works and premises hereby demised or which shall for the time being be held or occupied by the Lessee under the liberties hereby granted and may seize and distrain and sell as a Lessor may do for rent in arrear all or any of the ore, minerals, concentrates, salt, petroleum, natural gas, coal and precious stones then got and the engines, machinery, plant, horses, implements and chattels belonging to the Lessee within under or upon the premises so entered upon and out of the money arising from the sale of any such ore, minerals, concentrates, salt, petroleum, natural gas, coal and precious stones, engines, machinery, plant, horses, implements and chattels so distrained may retain and pay all arrears of the said rents and royalties and also the costs and expenses incident to

any such distress and sale rendering the surplus (if any) to the Lessee.

(6) If any part of the rents and royalties hereby reserved shall be unpaid for thirty days after becoming payable (whether formally demanded or not), then and in such event it shall be lawful for the Lessor at any time thereafter upon the demised premises or any part of them in the name of the whole to re-enter and thereupon this demise shall absolutely determine but without prejudice to the right of action of the Lessor in respect of any breach of the Lessee's covenants herein contained.

(7) Should the mining operations of the Lessee cause subsidence of or other injury to the surface land of the demised premises, the Lessee shall not be liable to pay any compensation therefor to the Lessor.

(8) Should any dispute arise between the parties hereto other than a dispute subject to arbitration under the provisions of Chapter 12 of 18 George V, entitled "An Act relating to Crown Royalties", the same shall be submitted to arbitration. Each party shall appoint one arbitrator and the said appointees shall appoint a third. The provisions of the Judicature Act, except Section 212 thereof, shall apply to such arbitration.

IN WITNESS WHEREOF, etc.

(L.S.)

(Sgd.) A. H. McKAY
Vice-President

(Sgd.) R. B. WIGHTMAN
Secretary-Treasurer

(L.S.)

(Sgd.) A. H. McKAY
Director

(Sgd.) R. B. WIGHTMAN
Secretary-Treasurer

AN ACT TO INCORPORATE THE BOARD OF MAN-
AGEMENT FOR THE TOWN OF WINDSOR

[November 1, 1938]

SECTION

- 1.—Grand Falls Station to be renamed.
- 2.—Boundaries of town.
- 3.—Board of Management constituted.
- 4.—(1) Membership of Board.
(2) Vacation of office.
(3) Filling of vacancies.
(4) Re-election.
- 5.—Chairman and Vice-Chairman.
- 6.—Quorum.
- 7.—Officers and servants.
- 8.—(1) Proceedings of Board.
(2) Town Meetings.
- 9.—Conduct of meetings.
- 10.—(1) Financial year.
(2) Disposition of funds.
- 11.—Minutes and records.
- 12.—Audit.
- 13.—First Board.
- 14.—Annual Town Meeting; election.
- 15.—(1) Voters' qualification.
(2) Board members' qualification.
- 16.—List of voters.
- 17.—Questions at meetings regarding qualification of voters.
- 18.—Manner of voting.
- 19.—Election of Board to be by ballot.
- 20.—Return of result of election.
- 21.—Control of building, sanitation and water supply.
- 22.—Penalty.

SECTION

- 23.—Removal of building, etc., erected otherwise than under permit.
- 24.—Discovery and removal of nuisances.
- 25.—Destruction of burnt, dilapidated or dangerous buildings.
- 26.—Prohibition of use of unsafe water supplies.
- 27.—Roads, streets and bridges.
- 28.—Breaking of streets, erection of scaffolding, etc.
- 29.—Establishment and maintenance of sewers, water supplies, etc.
- 30.—Right to enter and survey.
- 31.—Right to enter and construct sewers, etc.
- 32.—Diversion of water-courses.
- 33.—Regulations.
- 34.—(1) Powers of taxation.
(a) Town service fee.
(b) Business and entertainment tax.
(c) Commercial agents' tax.
(d) Passenger vehicles' tax.
(e) Water and sewerage taxes.
(2) Increase of taxes.
- 35.—Taxes to be settled annually.
- 36.—Fees or taxes payable.
- 37.—Short title.

A.D. 1938.

**Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:**

1. The town or settlement heretofore known as ^{Grand Falls} Grand Falls station and hereinafter referred to as the ^{Station to be} renamed. town shall be and it is hereby renamed Windsor.

2. The boundaries of the town shall be as fol- ^{Boundaries of} lows: Commencing at a point one mile east by the New- ^{town.} foundland Railway from the centre of Corduroy Brook culvert running thence north (true) three miles thence south seventy-two degrees west 4.1 miles thence south 3 miles to the said Newfoundland Railway thence east by the said Newfoundland Railway $4\frac{1}{4}$ miles to the place of commencement, containing in all twelve square miles more or less.

3. There shall be a Board which shall be called the ^{Board of} Board of Management for the town which shall ^{Management} be a corporation having perpetual succession and a Com- ^{constituted.} mon Seal and shall be capable of suing and being sued by its corporate name. *

4. (1) The said Board shall consist of seven persons ^{Membership} resident within the town who shall be elected ^{of Board.} biennially at a Town Meeting in the manner hereinafter prescribed and shall hold office for two calendar years next following their election.

(2) A member of the Board shall vacate office if ^{Vacation of} he— ^{office.}

(a) shall tender his resignation in writing to the Chairman.

(b) shall cease to be resident in the town.

(c) shall be declared insolvent or make a composition or arrangement with his creditors.

(d) shall be removed by unanimous vote of the remaining members of the Board, for cause, and with the approval of the Commissioner for Public Health and Welfare (hereinafter referred to as the Commissioner).

Filling of
vacancies.

(3) In the event of a vacancy occurring in the Board by death or vacation of office, the Board shall, unless the vacancy occur within three months before the biennial election, call a Town Meeting and proceed to elect a member as hereinafter prescribed who shall hold office until the end of the term of the existing Board.

Re-election.

(4) Any member of the Board shall at all times be eligible for re-election.

Chairman and
Vice-Chairman.

5. The Board shall elect one of its members as Chairman and another as Vice-Chairman.

Quorum.

6. A majority of the members shall be a quorum for the purposes of a meeting of the Board.

Officers and
servants.

7. Subject to the approval of the Commissioner the Board may appoint such officers and servants as may be deemed necessary for the conduct of its business and from time to time fix the remuneration of such officers and servants.

Proceedings of
Board.

8. (1) The Board shall have power to regulate its own proceedings.

Town Meet-
ings.

(2) The Board may at any time call a Town Meeting by public notice posted at some conspicuous place or places in the town.

9. The Chairman or in his absence the Vice-Chairman shall preside at all meetings of the Board and at all Town Meetings and enforce order and his decision on all points of order shall be final. If both Chairman and Vice-Chairman be absent the remaining members of the Board shall appoint a temporary Chairman.

Conduct of meetings.

10. (1) The financial year of the Board shall be from the first day of July to the thirtieth day of June next following except in the first year when it shall be from a date to be prescribed by the Commissioner until the thirtieth day of June next following.

Financial year.

(2) Upon the day prescribed by the Commissioner the existing Board of Management shall pass over to the first Board all funds then remaining in the hands of the said Board of Management, together with all books and vouchers relating to the receipts and expenditure of the said Board.

Disposition of funds.

11. The Chairman shall keep or cause to be kept regular minutes of Town and Board Meetings and he shall see that proper books and accounts are kept and that an annual account made up to the last day of June is made public at the annual Town Meeting hereinafter mentioned and a copy forwarded to the Commissioner not later than the last day of July then following. The Vice-Chairman shall perform the same functions in the absence of the Chairman.

Minutes and records.

12. The accounts of the Board shall be subject to audit by an auditor appointed by the Commissioner with the concurrence of the Comptroller and Auditor General and for that purpose such auditor or any person deputed by him shall have authority to call for all books and vouchers which he deems necessary to enable him prop-

Audit.

erly to audit any such accounts, and he may perform his duties as such auditor in St. John's or in such other place in Newfoundland as he may deem most convenient. The remuneration of such auditor shall be paid by the Board.

First Board.

13. Anything in this Act notwithstanding, the following persons shall be the first Board and shall hold office as from the date of the passing of this Act until the 30th day of June, 1940, namely:—J. A. Spencer, Erastus R. King, Patrick F. Browne, Ronald L. Butler, Henry Hunt, Edward Parsons and Frederick Grimes.

Annual Town Meeting; election.

14. (1) There shall be held in every year commencing with the year 1939 on such day in the month of June at such time and at such place in the town as may be appointed by the Board a Town Meeting to be called the annual Town Meeting for the purpose of receiving the reports and accounts of the Board, and in every second year to receive nominations of candidates for election to the new Board, which shall take office on the 1st day of July then next following.

(2) The first election under this Act shall take place on a day in June, 1940, to be prescribed by the Board.

Voters' qualification.

15. (1) The right to be present and to speak and vote at a Town Meeting and the right to nominate and to vote for members of the Board shall be enjoyed by all British subjects of the age of eighteen years and upwards who—

(a) have resided in the town for two months immediately preceding election; and

(b) are liable for taxation under this Act;
and

(c) are not indebted to the Board for any arrears of taxes; and

(d) are not disqualified by mental incapacity.

- (2) The qualification to be elected to serve as ^{Board members' qualification.} members of the Board shall be a net annual income, arising from any source whatever of four hundred dollars, or the possession of landed property within the town exceeding one thousand dollars clear of all incumbrances; and the length of residence within the town shall be a period of twelve months next preceding such election and every such candidate shall be a British subject of the full age of twenty-one years and of sound understanding.

16. Two days at least prior to the holding of a Town ^{List of voters.} Meeting there shall be posted in not less than two conspicuous places in the town a list showing the names of all those entitled to attend and speak and vote thereat. The said list shall also be posted in the room in which the said meeting is to be held and shall remain there posted for reference during the meeting.

17. Should any question arise at a Town Meeting as ^{Questions at meetings regarding qualification of voters.} to the right to attend, speak and vote of any person whose name is or is not on such aforementioned list the Chairman after reference to the accounts of the Board shall decide the same and such decision shall be final.

18. Decisions of a Town Meeting shall in the first ^{Manner of voting.} instance be by a show of hands. Should a poll be demanded by any person entitled to attend, speak and vote at said meeting, the same shall be held forthwith.

Election of
Board to be
by ballot.

- 19.** (1) Four days prior to the election of the Board there shall be held a Town Meeting of which at least three days' notice shall have been given by posting a notice in three or more conspicuous places in the town.
- (2) At such Town Meeting candidates for election shall be nominated. Such nominations shall not exceed twenty in number and the twenty persons first nominated shall be the candidates for the ensuing election.
- (3) The Commissioner shall appoint a Returning Officer and an election clerk and fix their remuneration which shall be paid out of the funds of the Board.
- (4) At least two days before the date of the election each candidate shall pay to the Returning Officer the sum of two dollars and fifty cents and in case of failure of any candidate to pay such sum the Returning Officer shall strike or omit (as the case may be) the name of such candidate from the ballot paper. The Returning Officer shall pay all sums so received to the Board.
- (5) The Board shall appoint a place to be known as an election booth which shall open on election day at nine a.m. and remain open until nine p.m. on the same day.
- (6) The names of the candidates shall be printed upon a ballot paper in alphabetical order and on the day of election a voter shall signify thereon whom he wishes to elect by marking an X after the name of the candidate or candidates whom he desires to become a member of the Board.

- (7) The seven candidates who shall receive the largest number of votes shall be the members of the Board for the ensuing two years.

20. Immediately after the election or after any by-election held under subsection (3) of Section 4 of this Act the Returning Officer shall make to the Commissioner a return of the names or name of the persons or person elected.

Return of
result of
election.

CONTROL OF BUILDING

21. (1) From and after the date of the passing of this Act no person shall within the town—

Control of
building,
sanitation and
water supply.

- (a) commence any building;
- (b) extend or repair any existing building;
- (c) build, construct or make any privy or sewer;
- (d) make or use any water supply,

save under and in accordance with the terms of a permit in writing from the Board.

- (2) The Board with the approval of the Commissioner may make general rules and regulations regarding the conditions upon which a permit may be granted and may alter, vary, suspend or add to such rules or regulations in particular cases as may be deemed by them to be necessary to secure the orderly and sanitary development of the town.
- (3) Every permit given by the Board shall be subject to such rules or regulations for the time

being applicable and such rules and regulations shall be posted in a conspicuous place to which the public has access.

- (4) The owner and the builder or maker shall at all times during the erection or construction of a building, privy, sewer or water supply, affix and keep affixed in a conspicuous position upon or adjacent to the work a placard to be furnished by the Board, reading "Board permit granted", with the date or any other matter prescribed by the Board.

Penalty.

22. If any person shall commit a breach of any of the provisions of the foregoing section he shall be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

Removal of building, etc., erected otherwise than under permit.

23. (1) If any building shall be erected or commenced to be erected, or any extension shall be added to any existing building, or if any privy or sewer or water supply shall be built, constructed or made, or any extension or alteration shall be added or made to any privy or sewer or water supply otherwise than under and in accordance with the terms of a permit as aforesaid, the same shall be deemed a public nuisance; and the Board may by writing under the hand of the chairman order either the owner or the builder or maker thereof within three days after service of the order upon him, or within such shorter period as the Board may designate, to pull down or fill in or otherwise destroy the same.

- (2) If the order of the Board issued under the authority of the provisions of subsection (1)

of this section is not complied with, or is not so far complied with as the Board may regard as reasonable, within three days after the service thereof, or within such shorter period as the Board may designate, then such order may be executed by the Board through its officers, agents, employees or contractors and the cost of such execution may be recovered from the owner as a debt due to the Crown at the suit of the Board.

- (3) Every person on whom such an order shall have been served who shall refuse or fail to obey the same shall also be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

CONTROL OF SANITARY CONDITIONS

24. (1) The Board or any person appointed by the Board for that purpose may open and enter or may authorise a constable to open and enter any private place where any noxious substance or condition which may be dangerous to the public health is suspected to be present or existing; and the Board may by order in writing require that all nuisance, filth, rubbish or insanitary matter be removed from or destroyed in any private place, or that any insanitary condition in any private place be amended within a reasonable time to be fixed in the order.
- (2) If the order made by the Board under the provision of subsection (1) of this section shall not be complied with, or so far complied with as the Board may regard as reasonable, within the time specified in the order then such order may be executed by the Board through

its officers, agents, employees or contractors, and the cost of the execution of the said order may be recovered from the owner or occupier as a debt due to the Crown at the suit of the Board.

- (3) Every person on whom such an order shall have been served who shall refuse or fail to obey the same shall also be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

Destruction of
burnt, dilapi-
dated or
dangerous
buildings.

25. (1) The Board or any person appointed by the Board may enter and inspect any burnt, dilapidated or dangerous building or any dwelling which is suspected to be unfit for human habitation, and the Board may after due notice in writing to the owner of the same or his agent and the public hearing of the matter before the Board adjudge the same to be a nuisance and may make an order in writing prescribing such disposition, alteration or regulation thereof or the destruction thereof as the Board may deem necessary.

- (2) If the order of the Board issued under the authority of the provisions of subsection (1) of this section is not complied with, or is not so far complied with as the Board may regard as reasonable, within five days after the service thereof or within such shorter period as the Board may designate, then such order may be executed by the Board through its officers, agents, employees or contractors and the cost of such execution may be recovered from the owner as a debt due to the Crown at the suit of the Board.

- (3) Every person on whom such an order shall have been served who shall refuse or fail to obey the same shall also be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.
- (4) If the owner of such burnt, dilapidated or dangerous building or dwelling unfit for human habitation cannot be found in the town, the Board may cause such building or dwelling to be pulled down and the debris thereof removed, and the cost of such pulling down and removal may be recovered from the owner as a debt due to the Crown at the suit of the Board.

26. The Board may prohibit the use for domestic purposes of water from any natural source which they consider dangerous to health. Prohibition of use of unsafe water supplies.

STREETS AND ROADS

27. The Board shall have the control and management of all roads, streets and bridges within the town, other than highroads and the bridges thereon, and may expropriate any land for the purpose of making, extending or widening streets or roads, the damage to the owner thereof, in default of agreement, being determined by arbitration. Roads, streets and bridges.

28. No person shall break up the soil of any street, or erect or place in any street, sidewalk, road or lane, any structure, without first notifying the Board of the purposes for which such breaking up or structure is required, and obtaining the permission of the Board therefor in writing; and the Board may impose such terms upon the person applying as the security of the public appears to them to require. Breaking of streets, erection of scaffolding, etc.

DRAINS AND SEWERS

Establishment
and mainten-
ance of
sewers, water
supplies, etc.

29. (1) Subject to the provisions of the rules and regulations made under subsection (2) of Section 21 hereof, the Board shall have power and authority to lay out, excavate, dig, make, build, maintain, repair and improve all such drains, sewers and water supply pipes as the Board deems necessary or expedient, and to make by-laws and regulations respecting the same for the purpose of protecting and keeping such drains, sewers and water supply pipes free from obstruction.

(2) The Board shall have power, when it considers it expedient, to acquire and take possession of any drain or sewer constructed by any person or persons through, under or along any street, and when the Board considers necessary for drainage purposes, upon such terms as to compensation to any person claiming or having any interest or right as owner or otherwise in such drain or sewer, as may be agreed or determined by arbitration.

Right to enter
and survey.

30. The chairman or any servant of the Board by him duly authorized thereto in writing may enter upon any Crown lands or upon the lands of any person whatsoever and enter all houses, buildings, tenements or erections upon such lands whenever it may become necessary for the purpose of making surveys or examinations or obtaining information relative to the construction, alteration, repairing, maintaining or inspection of sewerage, drainage or any other works which the Board may be by this Act empowered to undertake or assume control of for the purpose of carrying into effect the provisions of this Act.

Right to enter
and construct
sewers, etc.

31. The Board, its engineers, officers, foremen, servants and labourers shall have the right to enter upon any Crown lands or upon the lands of any person whatsoever

and into all houses, buildings, tenements and erections thereon whenever it may become necessary for the purpose of carrying into effect the work and system of sewerage, drainage and cleansing hereinbefore authorized and to break up, dig, excavate and open so much and so many of the public streets or thoroughfares or private property or other places as may be necessary for fully and effectually carrying into effect the said work and system and to pass and repass into, over and upon such streets, thoroughfares, lands, tenements, buildings and premises and to convey material over, through and upon the same and to make, convey and lay down pipes, drains, gratings or other necessary works in and upon the same and from time to time remove, alter or change the same.

32. Subject to the provisions of the rules and regulations made under subsection (2) of Section 21 hereof, the Board shall have power to alter or divert any watercourse within the limits of the town for the purpose of the improvement of such watercourse or of the sewerage of the town or settlement, and may remove impure or offensive soil therefrom, lay pipes, construct drains, grade surrounding land, change the direction of or fill up said watercourse as may be deemed by the Board to be necessary and expedient, and the Board shall have power to enter upon all lands within the limits aforesaid, to dig and excavate upon such lands and to go under all buildings that may be erected thereon, and may require the owner or occupier of all buildings and erections upon such lands to make alterations in the walls, cellars and other portions of said buildings and erections as may be necessary for the purposes of this Act and shall compensate any person injuriously affected thereby in such sum as may be agreed and if no agreement can be made, such sum as may be awarded by arbitration: Provided the party upon whose property the Board may require to perform any such operations may before the commencement thereof require sufficient security to be given

*Diversion of
water-courses.*

by the Board for the due payment of any award that may be made to him in any such arbitration.

LOCAL REGULATIONS

Regulations.

33. (1) Subject to the approval of the Commissioner, the Board shall have power to make regulations, applicable within the town, for dealing with the following class of subjects, and may from time to time amend or repeal any such regulations, that is to say—

- (a) for compelling the owners or occupiers of houses to have ladders leading to and on the roofs of such houses;
- (b) for the shovelling of snow and the clearing of roads in winter;
- (c) for providing for places of deposit of ashes, rubbish and offensive matter of every kind, and for compelling the owners or occupants of property to keep their property clean and to remove all such ashes, rubbish and offensive matter to such places of deposit;
- (d) for the payment of the town service fee or any other tax or levy when in the opinion of the Board the taxpayer is unable to pay in cash by receiving in the place of cash services or materials of an equal value to the service fee or tax or levy;
- (e) for providing for the demolition or removal of buildings or erections which have fallen into decay, and which have become a menace to health and safety;

- (f) for regulating the keeping of animals within the area and the places where the same may be kept;
 - (g) for prohibiting the use of any form of, or any mode of management of, any baths, water closets, soil-pans, sinks, cess-pits, wells and other receptacles and fittings, the use of which may in its judgment tend to any fouling or contamination, or to endanger the public health;
 - (h) for regulating the closing hours of shops and other places in which goods are sold to the public, whether of specific kinds or generally, unless other provision is made by law for such regulation;
 - (i) in relation to such other subjects as may from time to time by the Governor in Commission be assigned to the Board;
 - (j) for the numbering of all buildings, the marking and naming of new streets or roads.
- (2) The Board may prescribe a penalty not exceeding one hundred dollars, inclusive of costs, for the violation of any regulation made under the provision of this Act, and may provide that in default of payment of such penalty the offender may be imprisoned for any period not exceeding three months. A Stipendiary Magistrate may impose the whole or such part of the penalty or punishment fixed by the regulation as he deems fit.
- (3) Such regulations shall be made public either by insertion in a newspaper circulated in the locality or by poster or otherwise as the Board may direct.

Powers of
taxation.

34. (1) The Board shall have power to impose, sue for and collect the following taxes or levies:

Town service
fee.

(a) A town service fee to be paid by the following persons—

(i) All male residents of the age of twenty-one years or more.

(ii) All male persons of the age of eighteen years or more living in the town for a period of not less than sixty days and being employed for pay or reward.

(iii) All non-resident persons who own real property within the town to the value of fifty dollars or more.

(iv) All females of the age of twenty-one years or more resident in the town but not residing with a male member of the household who is liable to pay the said town service fee who—

(aa) own any real property in the town to the value of fifty dollars or more; or

(bb) have an income from any source whatsoever of four hundred dollars per year or more.

For the purpose of this sub-paragraph "household" shall mean a number of persons related by blood or adoption to the female from whom tax is sought to be collected and residing in the same house or tenement.

- (b) A licence fee of not less than \$10.00 nor more than \$35.00 per year upon every person or Company doing within the limits of the town any of the following businesses: Business and entertainment tax.
- (i) Keeping a shop or store where goods of any kind are bought or sold.
 - (ii) Keeping a place where services of any kind are rendered to the public for reward.
 - (iii) Producing any stage performance, entertainment, circus or show, save in the case where all the proceeds are to be used for charitable or educational purposes.
- (c) A tax of \$5.00 payable not more than once in every year on every commercial agent doing or soliciting any business in the town but not upon an agent who is a Newfoundland citizen and does or solicits business for Newfoundland firms or companies only. Commercial agents' tax.
- (d) A tax of not less than \$5.00 nor more than \$10.00 payable not more than once in every year on every motor vehicle ordinarily operated as a bus or passenger car from within the limits of the town for hire or reward. Passenger vehicles' tax.
- (e) Such taxes as the Board may from time to time with the consent of the Commissioner impose upon the property served by any water or sewerage service in pipes. Water and sewerage taxes.

Increase of
taxes.

(2) No tax imposed under clause (e) of the last preceding subsection may be increased save with the consent of two-thirds of the owners of property served or to be served by such pipes. The consent in such cases shall be obtained in the same manner mutatis mutandis as the election of members of the Board.

Taxes to be
settled annually

35. The amount of the fees or taxes payable under subparagraphs (a), (b), (c) and (d) of subsection (1) of Section 34 of this Act shall be settled each year by the Board and posted in at least two conspicuous places in the town between the first and fifteenth days of July. The fees or taxes so settled and posted shall thereupon become payable for the next ensuing year.

Fees or taxes
payable.

36. As soon as possible after the appointment of the first Board under this Act the amount of the fees or taxes payable as in Section 35 set forth shall be settled and posted as in the said Section set forth and the said taxes or fees shall thereupon become payable as if the same had been imposed on July 1st, 1938, provided, however, that there shall be deducted from any tax or fee payable under this Section the amount already paid by any taxpayer since July 1st, 1938, to the Board of Management already existing.

Short title.

37. This Act may be cited as the Town of Windsor (Management) Act, 1938.

AN ACT FOR THE CONFIRMATION OF AN AGREEMENT BETWEEN THE GOVERNMENT AND THE CANADIAN MARCONI COMPANY.

[21st November, 1938]

SECTION

- 1.—Agreement between Government and Canadian Marconi Co. confirmed.
- 2.—Company may assign.
- 3.—Exclusive rights of Company.

SECTION

- 4.—Exemption from taxation.
 - 5.—Exemptions from import duty.
 - 6.—Arbitration.
 - 7.—Short Title.
- Schedule.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1938.

1. The Agreement made between His Excellency Sir Humphrey Thomas Walwyn, K.C.S.I., C.B., D.S.O., Governor of Newfoundland and its Dependencies in Commission of the one part and the Canadian Marconi Company, a body corporate constituted under the laws of the Dominion of Canada (hereinafter called "the Company") of the other part dated the 25th day of October, A.D. 1938, and forming the Schedule to this Act is hereby approved, confirmed and adopted and all and singular the several clauses and provisions thereof are hereby declared to be valid and binding upon the said parties thereto and each of them respectively and to have the force and effect of law and all and singular the several acts, matters and things therein provided to be done or performed by or on the part of the parties respectively are hereby declared to be proper and lawful and the parties and each of them shall have full power and authority from time to time to do and perform or omit to do and perform all and singular the several acts, matters and things in and by the said Agreement provided to be done or not to be done as the case may be in the manner and with the effect and under the conditions stipulated and provided in the said Agreement.

Agreement
between
Government
and Canadian
Marconi Co.
confirmed.

Company may
assign.

2. The Company shall have the right at any time to assign the benefits and obligations of this Agreement to any British controlled company approved by the Government; and the rights and privileges conferred and the obligations and liabilities imposed upon the Company by this Act and by the Agreement forming the Schedule hereto shall be deemed to extend to such British controlled company so approved.

Exclusive
rights of
Company

3. The Company shall, subject to the conditions set forth in the said Agreement, have the exclusive right to furnish to the public telephone communication by wireless or like means between Newfoundland and the American or other continents provided always that the necessary means of communication shall be established and in operation not later than the 1st day of January, A.D. 1939: Provided that if such means of communication be not established and in operation by the said date then this Act and the said Agreement shall lapse.

Exemption
from taxation.

4. The Company shall, for a period of five years from the date on which the Company's radiotelephone service is open for public use, be exempt from the payment of the tax upon telegraph, telephone and cable companies provided in and by Chapter 26 of the Consolidated Statutes of Newfoundland (Third Series).

Exemptions
from
import duty.

5. (1) All materials and accessories required for the installation of the Newfoundland radio terminal and any future extensions thereto shall be permitted to enter Newfoundland free of duty.

(2) Within the period of five years during which the Company is exempt from the payment of the tax under Chapter 26 aforesaid, all material and accessories required for the re-

pair, renewal and replacement of the equipment of the Newfoundland radio terminal shall be permitted entry into Newfoundland upon payment of half the rates of duty provided by law.

6. Any dispute which may arise between the Government and the Company as to any matter of question under the Agreement forming the Schedule hereto shall be referred to two arbitrators, one to be appointed by the Government and the other by the Company and notwithstanding the provisions of Section 212 of the Judicature Act, the provisions of Part VI of that Act shall apply to such arbitration.

7. This Act may be cited as the Canadian Marconi Short Title. International Radio-Telephone Service Act, 1938.

SCHEDULE**Schedule.**

AGREEMENT made this 25th day of October A.D. 1938 BETWEEN HIS EXCELLENCY SIR HUMPHREY THOMAS WALWYN, K.C.S.I., C.B., D.S.O., Governor of Newfoundland and its Dependencies in Commission (hereinafter called "the Government") of the one part AND THE CANADIAN MARCONI COMPANY, a limited liability company having its principal place of business at Marconi Building, 211 St. Sacrement Street, Montreal, in the Province of Quebec, in the Dominion of Canada, a body corporate and politic, incorporated by an Act of the Dominion of Canada (hereinafter called "the Company") of the other part.

(L.S.)

(Sgd.) Humphrey Walwyn

(Sgd.) L. E. Emerson,
H. M. Attorney General.

WHEREAS the Company desires to establish a radiotelephone service between Newfoundland on the one hand and Canada on the other hand with the terminal of the service in Newfoundland situated near St. John's;

AND WHEREAS such a service would be of benefit to the Government and people of Newfoundland in that it would place them in telephone contact with Canada and other countries;

AND WHEREAS the Company has represented and the Government agrees that such a service would probably be unprofitable for a number of years in that the interest and sinking fund charges and the annual operating expenses would probably be in excess of the revenue from calls;

NOW THEREFORE THESE PRESENTS WITNESS AS FOLLOWS:

1. THE GOVERNMENT AGREES:

- (1) To grant to the Company the exclusive right to furnish to the public telephone communication by wireless or like means between Newfoundland and the American or other continents, and to grant all licences necessary therefor, all for the period specified in Clause 12 hereof.
- (2) That upon application by the Company for a licence to supply radiotelegraph service, the Government will consider granting such licence subject to the Acts and regulations governing the matter of international telegraph communication from time to time in force in Newfoundland and to the provisions of any International Conventions and regulations annexed thereto from time to time in force, and on such conditions as may be agreed, which conditions shall not be less favourable than these, if any, generally made in respect of other companies carrying on international telegraph business in and from Newfoundland either by wireless means or by cable.
- (3) That the Company may appoint the Avalon Telephone Company, Limited, as its agent to distribute and pick up through its present and

future telephone system in Newfoundland all calls to or from Newfoundland received or to be transmitted by radiotelephone and to collect all tolls arising from traffic originating in Newfoundland, the whole in accordance with an Agreement dated the sixth day of September, A.D. 1938, between the Company and the Avalon Telephone Company, Limited.

- (4) (a) To grant the Company exemption from the payment of taxes applying to telegraph, telephone and cable companies, as enacted in Chapter 26, Consolidated Statutes of Newfoundland (Third Series) for an initial period of five years from the date on which the Company's radiotelephone service is opened for public use
- (b) That at the expiry of the five year period referred to in paragraph (a) of sub-clause (4) hereof the Government will examine the economic position of the radiotelephone service in the light of the capital expenditure incurred by the Company up to that time, the annual operating charges and the amount of annual revenue received from calls, in order to determine whether exemption from the statutory taxation referred to in paragraph (a) of sub-clause (4) hereof shall be continued for a further period.
- (5) To permit the entry into Newfoundland free of duty of material and accessories required for the installation of the Newfoundland radio terminal and any future extensions thereto. During the period in which the Company shall be exempt from the payment of the taxation referred to in paragraph (a) of sub-clause (4)

hereof any material and accessories required for the repair, renewal and replacement of equipment for the Newfoundland radio terminal and extensions thereto shall be permitted to enter Newfoundland on payment of half the normal rates of duty.

- (6) To prohibit or prevent the establishment of any telephone system which would compete for public international business with the radiotelephone system of the Company.

2. THE COMPANY AGREES:

- (1) To provide the facilities necessary to operate a radiotelephone service between Canada and Newfoundland.
- (2) To enter into an agreement with the Avalon Telephone Company, Limited, as described in sub-clause (3) of Clause 1 hereof.
- (3) To make the necessary arrangements for the handling of traffic to and from existing and future inter-connected telephone systems in North America and elsewhere, except where it is impossible for reasons technical or otherwise beyond the control of the Company.
- (4) To grant to the Government an option at the end of the twenty-five year period mentioned in Clause 12 hereof, or at the end of any yearly extension as provided for in the said clause, to purchase the radio equipment at the Newfoundland terminal on the basis of a fair valuation to be determined as provided in Clause 7 hereof.

3. IT IS MUTUALLY UNDERSTOOD AND AGREED
THAT:

- (1) The Company shall at any time desired by the Government furnish to the latter accounting and traffic statistics relating to the installation and operation of the service and shall at the end of five years from the date on which the radiotelephone service is opened for public use, afford the Comptroller and Auditor General or other accredited representatives of the Government full facilities for examining and verifying the accounts of the Company in so far as the same relate to the cost and revenue of the radiotelephone system conducted under this Agreement in order to assist the Government in arriving at a decision in accordance with paragraph (b) of sub-clause (4) of Clause 1 hereof.
- (2) The exclusive rights and licences granted to the Company by the Government in sub-clause (1) of Clause 1 hereof shall not prevent the Government from establishing or bringing about or contracting for the establishment of a direct radiotelephone service between Newfoundland and the United Kingdom and Ireland should it appear desirable, and practicable to afford the people of Newfoundland by a direct route a cheaper service than would be possible by routeing calls via the Newfoundland-Canada radiotelephone link, but priority of consideration shall be given to the Company for the provision of this service should the Government ever decide upon its establishment.

4. This Agreement recognizes the sovereign right of Newfoundland to establish or to authorize the Govern-

ment of any other country to establish any radiotelephone communication services which it may consider necessary; but the Government agrees that such services shall not carry international commercial traffic.

5. This Agreement shall not prevent any airways operating company conducting air service with the authority or approval of the Government from operating radiotelephone services for the purpose of maintaining communication between its ground organizations in Newfoundland and its aircraft in flight or ground organizations in other countries and using all necessary means of wireless communications for the purposes of its services, such as the obtaining of meteorological information from ships at sea or stations in other parts of the world; nor shall this agreement forbid radiotelephone conversations between users in Newfoundland and persons in moving aircraft, such conversations being outside the normal understanding of the scope of the exclusive rights conferred by sub-clause (1) of Clause 1 hereof; but priority of consideration shall be given to the Company for the provision of this service should it attain commercial importance.

6. In the event that the option granted under sub-clause (4) of Clause 2 hereof be exercised, the Government agrees to continue the operation of the Newfoundland terminal exclusively with the Company's terminal, and the Company agrees to continue to maintain its Canadian terminal for this purpose.

7. (1) If the option granted under sub-clause (4) of Clause 2 hereof be exercised, the purchase price of the radio equipment shall, in default of agreement between the Government and the Company, be determined by arbitration as hereinafter provided.

(2) In calculating the fair valuation of the undertaking the arbitrators shall have regard to

the cost of the equipment, subject to depreciation, and the existing level of earnings, and to any other factors they deem relevant, but shall not take account of the possibility of an increase in those earnings in the future.

8. The Agreement between the Company and the Avalon Telephone Company, Limited, referred to in sub-clause (3) of Clause 1 hereof shall be subject to the approval of the Government and any alteration to that agreement which may be made subsequently shall likewise be subject to the same approval.

9. (1) If the Government or any statutory body authorized by the Government shall at any time during the period of this Agreement desire to have the use of the transmitting apparatus of the radio terminal in Newfoundland between the hours of 7 p.m. and midnight (Newfoundland time) for the purpose of broadcasting, the Company shall permit such use and undertakes to make all necessary arrangements with the Avalon Telephone Company, Limited, or otherwise to this effect. As remuneration for the use of this facility, the Government undertakes to pay to the Company the sum of six hundred dollars (\$600.00) for a minimum of one hundred and fifty hours in any period of twelve months during which these facilities may be used and at the rate of four dollars (\$4.00) per hour for all time in excess of one hundred and fifty hours during which the transmitting apparatus shall be so used in the same period. The hourly rate and the minimum annual payment shall, however, be subject to revision at the end of five years

and any subsequent year having regard to the then operating costs of the Company's Canada-Newfoundland radiotelephone service.

- (2) If the Government at any time during the period of this Agreement shall desire to have the use of the radio link between Canada and Newfoundland for the purpose of rebroadcasting from a station operated either by the Government or by a statutory body authorized by the Government between the hours of seven p.m. and midnight (Newfoundland time) programmes to be transmitted by the transmitting apparatus at the Canadian terminal and received by the receiving apparatus at the Newfoundland terminal the Company shall permit such use and undertakes to make the necessary arrangements with the Avalon Telephone Company, Limited, and shall afford the Government all possible co-operation at the Canadian terminal of the radiotelephone service. As remuneration for this facility the Government undertakes to pay to the Company the sum of six hundred dollars (\$600.00) for a minimum of one hundred and fifty hours in any period of twelve months during which these facilities may be used and at the rate of four dollars (\$4.00) per hour for all time in excess of one hundred and fifty hours. The hourly rate and the minimum annual payment shall, however, be subject to revision at the end of five years and any subsequent year having regard to the then operating costs of the Company's Canada-Newfoundland radiotelephone service.
- (3) If the use of the radiotelephone facilities for the purpose outlined in sub-clauses (1) and

(2) of this clause gives rise to delay or inconvenience to the handling of telephone calls then the Company will make provision for the handling of the relay broadcast programmes from Canada to St. John's and the broadcast programmes to be transmitted from St. John's by the installation of additional facilities for these purposes.

10. Any dispute which may arise as to any matter or question under this Agreement shall be referred to two arbitrators one to be appointed by the Government and the other by the Company and notwithstanding anything contained in Section 212 of the Judicature Act the provisions of Part VI of that Act shall apply to such arbitration.

11. If at any time during the period of this Agreement a reduced rate as compared with ordinary rates is allowed to the countries concerned in respect of calls on Government service passing over the radiotelephone service between Great Britain and Canada, a similar reduction in rates pro rata will be allowed by the Company to the Government in respect of calls on Government service passing over the radiotelephone system between Newfoundland and Canada.

12. This Agreement shall go into effect as of the first day of August, 1938, and shall remain in force for twenty-five years from that date. Unless then terminated by notice in writing given by either party to the other at least twelve months prior to the expiration of the said period, it shall continue in force thereafter from year to year until terminated by notice in writing given by either party to the other at least six months prior to the expiration of any yearly period.

13. Any notice to be served by the Government upon the Company under the provisions of these presents shall be sent by it in a registered letter addressed to the Company at its Head Office, of the address of which it shall keep the Government at all times advised; and any notice to be served on the Government by the Company shall be sent by it in a registered letter addressed to the Department of Posts and Telegraphs, St. John's. Any notice shall be deemed to have been duly served at the expiration of twenty (20) days from the date of the posting of the registered letter containing such notice.

14. The Company shall have the right at any time to assign the benefits and obligations of this Agreement to any British controlled company approved by the Government.

IN WITNESS WHEREOF His Excellency the Governor in Commission has caused the Great Seal of Newfoundland to be set hereto and has signed these presents, and the Company has caused the same to be executed in accordance with its regulations the day and year first above written.

By His Excellency's Command,

(Sgd.) J. A. WINTER
Commissioner for Home Affairs and Education

The Common Seal of the
Canadian Marconi Com-
pany was hereunto af-
fixed in accordance with
its regulations in the
presence of:—

(L.S.)

Canadian Marconi Company,

(Sgd.) A. H. GINMAN
Director

(Sgd.) JAMES FERGUS
Secretary

AN ACT TO PROHIBIT THE EXPORT OF CODFISH
SAVE UNDER PERMIT FOR EXPORT

[12th November, 1938]

SECTION

- 1.—Permits for export of codfish.
- 2.—Particulars to be stated in permits.
- 3.—Permits to be delivered to Customs with export entries.

SECTION

- 4.—Prohibition of export save under permit.
- 5.—Permits to be additional to licences.
- 6.—Time of exportation defined.
- 7.—Short title.

**Be it enacted by the Governor, by and with the advice of A.D. 1938.
the Commission of Government, as follows:**

1. Any person desiring to export from Newfoundland ^{Permits for} any codfish, shall apply to the Newfoundland Fisheries Board in respect of each shipment to be exported for a permit in respect of such shipment and the Newfoundland Fisheries Board is hereby authorized to issue such permit, but may refuse in any case to issue the same without assigning any reason for such refusal.

2. Every permit to export issued hereunder shall ^{Particulars to} specify the quantity and description of codfish which may ^{be stated in} be exported thereunder, and the marks and numbers (if ^{permits.} any) upon the packages containing the same.

3. Any permit for export issued hereunder shall be ^{Permits to be} produced and lodged by the exporter with the proper ^{delivered to} officer of Customs together with the export entry ^{Customs with} prescribed ^{export entries.} by the Customs and Excise Act, 1938.

4. No person may export any codfish from Newfoundland ^{Prohibition of} unless he is the holder of a permit to export issued ^{export save} under this Act and any codfish for which no such permit ^{under permit.} has been granted, which is exported from Newfoundland or brought to any quay or place in Newfoundland to be exported therefrom, shall be deemed to be goods the export of which is prohibited, and the pro-

visions of the Customs and Excise Act, 1938, and Acts in amendment thereof, and of any regulations made thereunder with reference to export of prohibited goods, shall apply to the same.

Permits to be
additional to
licences.

5. Permits to export issued under this Act shall be required in addition to any other licences heretofore required by law.

Time of
exportation
defined.

6. For the purposes of this Act codfish shall not be deemed to be exported until the vessel in which it is being carried has obtained its clearance outwards for a foreign port.

Short title.

7. This Act may be called The Exportation of Codfish (Permits) Act, 1938.

AN ACT FURTHER TO AMEND THE ALCOHOLIC
LIQUORS ACT, 1933.

[5th December, 1938]

SECTION

- 1.—Amendment Section 24 (2)
Alcoholic Liquors Act,
1933; hotel, restaurant,
banquet and club permits.
- 2.—Amendment Section 76
(2); distribution of fines

SECTION

- partly to police and ran-
gers.
- 3.—Saving of prior payment
of proportion of fines to
rangers.

Be it enacted by the Governor, by and with the advice of A.D. 1938.
the Commission of Government, as follows:

1. Subsection (2) of Section 24 of the Alcoholic Amendment
Liquors Act, 1933, is hereby repealed and the following Sec. 24 (2)
substituted therefor: Alcoholic
Liquors
Act, 1933;
hotel, restaur-
ant, banquet
and club
permits.
(2) A permit shall not be granted in respect of an
hotel or restaurant situated in, or a banquet
or dance to be held in any town, village or
settlement in any area within which a store of
the Board has not been established under the
provisions of Section 14 of the Act, but a per-
mit may be granted to a tourist hotel or club
in any part of Newfoundland: Provided that
no sale of spirits, wine or beer shall be made in
a tourist hotel to any person ordinarily resi-
dent within three miles of such hotel or in a
club to any person not being a member of such
club.
2. Subsection (2) of Section 76 of the said Act is Amendment
hereby repealed and the following substituted therefor: Sec. 76 (2);
distribution of
fines partly
to police and
rangers.
(2) The net amount of any fine recovered under
the Act, after deducting the expenses of prose-
cution, shall be applied by the Board as fol-
lows:

- (a) In the case of a prosecution for breaches of Sections 23, 25 and 34 of the Act, if the prosecutor be a constable, one-third to the Chief of Police for such constable, one-third to the Constabulary Widows' and Orphans' Relief Fund, and one-third to the Board as part of its revenue; and if the prosecutor be a member of the Newfoundland Rangers, one-third to the Chief Ranger for such ranger, one-third to the Newfoundland Ranger Force Benefit Trust Fund, and one-third to the Board as part of its revenue.
- (b) In the case of any other prosecution the whole shall be retained by the Board as part of its revenue.

Saving of
prior payment
of proportion
of fines to
rangers.

3. The Board of Liquor Control having, since the establishment of the Newfoundland Rangers, paid over to or on behalf of that Force certain moneys calculated under Section 76 of the said Act as if such rangers had been constables, it is hereby declared that the payment of such sums, and of any other sums now held in suspense by the said Board for such purpose has been and is proper and lawful.

AN ACT RELATING TO LOGGING CAMPS

SECTION

- 1.—Interpretation.
- 2.—Employers to be registered.
- 3.—Information to be furnished by employers.
- 4.—Position of camps.
- 5.—(1) Tools, provision of.
(2) Bed-clothes.
(3) Mattresses.
- 6.—Notice regarding rates of wages.
- 7.—(1) Payment of wages.
(2) Deductions permissible.
(3) Payments to be made monthly.
- (4) Scales.

SECTION

- (5) Statement of wood cut.
- 8.—Inspectors; duties of.
- 9.—Inspection.
- 10.—(1) Scales to be sworn.
(2) Scale of sworn scaler to be final.
- 11.—Food.
- 12.—Reporting of breaches of Act.
- 13.—Penalties.
- 14.—Conciliation Boards.
- 15.—Suspension of Section 19, Cap. 216 C.S.
- 16.—Repeal.
- 17.—Short title.
Schedule.

[8th December, 1938]

Be it enacted by the Governor, by and with the advice A.D. 1938.
of the Commission of Government, as follows:

1. In this Act—

- (a) "Commissioner" means the Commissioner for Interpretation. Natural Resources.
- (b) "inspector" means any person appointed by the Commissioner to inspect any camp or camps.
- (c) "logging camp" or "camp" means an establishment consisting of temporary buildings in which persons employed in cutting pulpwood or pitprops for wages or on piece-work remuneration are housed.
- (d) "logger" means a man engaged by an employer for the work of cutting, trimming, peeling, hauling, driving, piling, handling

and loading trees or logs, and shall include cooks and helpers employed in and about camps.

- (e) "van" means a small shop or store managed by the foreman of a camp for the purpose of selling only to men who are employed in the camp clothing, tobacco, stationery, matches and such other small articles as may from time to time be approved by or on behalf of the Commissioner.
- (f) "employer" means a person recognised and registered within the meaning of Section 2 of this Act.
- (g) "season" means the period from the 1st day of April until the 30th day of April in any year.

Employers to
be registered.

2. (1) No person save a person recognized by the Commissioner as an employer of loggers and registered as such in the Department of Natural Resources shall after the 2nd day of January, 1939, establish or operate any logging camp.
- (2) No person shall employ persons in cutting pulpwood or pitprops unless he has first obtained recognition and registration and has established a logging camp; but the Commissioner for reasons to be recorded in writing may exempt any particular employer in respect of a particular operation or part of an operation from this requirement subject to such conditions as he may prescribe either generally or specially. Any person advancing to a logger any money, goods or supplies on condition that payment is to be made in pulpwood or pitprops

shall be considered to be employing a logger for the purposes of this section.

3. (1) Every employer shall not less than thirty days before the commencement of the season in each year, and in respect of the year 1938 within thirty days after the passing of this Act, furnish to the Secretary for Natural Resources the following information:
- Information to be furnished by employers.

- (a) list of camps which he proposes to operate for the coming season;
- (b) a sketch of each camp showing the location of all buildings in relation to each other, the dimensions of all buildings and erections and the position of the water supply;
- (c) the route by which each camp is approached;
- (d) the name of the proposed foreman of each camp;
- (e) the average number and maximum number of men intended to be employed in each camp;
- (f) the name and address of the physician contracted with for medical attendance to the loggers, the date and duration of such contract and whether the physician is to reside in the camp or not;
- (g) whether any hospital accommodation is provided in the camp and where the nearest public hospital is situated;

and not less than thirty days before the commencement of construction of any new camp he shall furnish similar information in relation to the same and he shall notify the said Secretary of any change made from time to time under any of the heads set forth in this section.

- (2) If it does not appear to the Commissioner that the camp should be constructed as proposed or if on construction he finds that the camp does not conform to the proposal, the Commissioner shall have power, after giving the employer an opportunity of remedying the defects within a specified time, to order that the camp shall not be operated. In the event of a breach of such order, the Commissioner may cancel the recognition and registration of the employer and order all the camps established by him to be closed.

Position
of camps.

4. (1) Every employer establishing or constructing a camp within the meaning of this Act shall see that it is established only on dry and well-drained land. If, in the opinion of an inspector, a camp is located upon ground so wet or ill-drained as to be dangerous to the health of employees, the inspector may require the employer to remove the camp to a more suitable site: Provided that the employer may appeal to the Commissioner against the decision of the inspector.
- (2) Every camp shall be provided with an adequate kitchen and messroom and no room used as a kitchen or messroom shall at any time be used as sleeping quarters.

5. (1) The employer shall supply, free of cost, to each logger employed by him, upon his commencing work in each season, one axe, including handle, and one buck-saw, which axe, handle and buck-saw or any substituted therefor shall be returned to the employer upon the termination of employment. If such axe or buck-saw be lost or broken the cost value thereof may be deducted from the wages of the logger: Provided however that not more than one axe handle per fortnight in lieu of an axe handle broken shall be provided free of cost. Any further axes, handles or buck-saws required by the logger shall be supplied to him at actual cost value, and shall be his own property. ^{Tools, provision of.}
- (2) The employer shall at the request of the logger supply him with necessary bed-clothes at actual cost. ^{Bed-clothes.}
- (3) The employer shall supply loggers with mattresses without charge and shall be responsible for seeing that they are kept in a clean and sanitary condition. ^{Mattresses.}
6. There shall be posted up and kept posted up in every camp a notice signed by the employer, showing the rates of time wages and the maximum and minimum remuneration for piece-work to be paid by the employer to the men employed in the camp, for the various kinds of work under various circumstances required to be done by them. ^{Notice regarding rates of wages.}
7. (1) All wages and other earnings due to loggers shall be paid in cash or at the option of the logger by cheque or partly in cash and partly by cheque. In each case such cheque shall be encashable at par without deduction at an ^{Payment of wages.}

office of the employer within reach of the camps in which the loggers are employed.

Deductions
permissible.

(2) The following deductions only may be made from wages and earnings due loggers:

(a) Board and money owing to the van.

(b) Medical fees due by the logger.

(c) Cost of tools when payable by the logger.

(d) Cash advances made by the employer to the logger on account of wages or earnings: Provided that such advances made in any month shall not exceed the average amount ordinarily earned in fifteen days by the person to whom the advance is made.

(e) Advances by the employer to the logger on account of fare and other incidents when first arriving at the camp: Provided that such advances shall not exceed the average amount earned in one month by the person to whom the advance is made.

(f) Any other advances which the employer may be permitted by the Commissioner by specific notification issued in this behalf to deduct.

Payments to
be made
monthly.

(3) All wages and other earnings shall be paid to the loggers at intervals of not more than a month.

- (4) In the case of piece-workers, wood shall be ^{Scales.} scaled at intervals of not more than three weeks. Any piece-worker who may leave between the dates set for scales shall be paid for wood cut up to the date of the last scale, and any balance due to him for work done after that date shall be forwarded to him immediately after the next scale date: Provided he shall have left a postal address with the employer for such purpose or his postal address is known to the employer.
- (5) Immediately after such scale day, loggers ^{Statement of} shall be supplied with a written statement ^{wood cut.} showing the amount of wood cut during the period covered by such scale. This statement if any logger so demands shall include the number marked on each pile, length, breadth, height and net volume in each pile of wood scaled and cut by him.

INSPECTION

8. (1) The Commissioner may appoint such inspec- ^{Inspectors;} tors as he shall see fit, whose duty it shall be ^{duties of.} to see that the provisions of this Act and of the Act No. 47 of 1938, entitled "An Act respecting Sanitation and Medical Attendance in Logging Camps", are observed.
- (2) It shall be the duty of such inspectors to check the scale of any wood in the event of dispute between the logger and the employer in relation to the accuracy of the same.
9. (1) Every logging camp and bunk house shall be ^{Inspection.} liable to inspection at any time by inspectors appointed by the Commissioner.

- (2) The owner or operator of every camp shall admit the inspector and facilitate his inspection and shall provide at a reasonable price board and lodging if requested by the inspector.

MISCELLANEOUS

Scalers to
be sworn.

10. (1) Every scaler employed in a logging camp shall be sworn before a Justice of the Peace to do his duty as such faithfully and impartially without favour or prejudice to or against any person interested in the wood to be scaled by him.

Scale of
sworn scaler
to be final.

- (2) The scale of any wood made by a scaler who, in addition to being sworn as above mentioned, has been appointed by the Commissioner to act as a sworn scaler, shall be final as between a logger and the employer as to the scale of the wood cut by such logger.

Food.

11. (1) Every logger employed in a camp shall be supplied by the employer with wholesome and sufficient food prepared by competent cooks, all of which shall be to the satisfaction of an inspector. In the event of dispute between the inspector and the employer, the employer may appeal to the Commissioner.
- (2) The Commissioner may prescribe maximum and minimum rates to be charged by employers to loggers for food.

Reporting of
breaches of
Act.

12. Where any breach of the provisions of this Act shall have been reported in writing to the employer or camp foreman by an inspector and the same shall not have been remedied (if it admits of remedy) within ten days after the delivery of such report, proceedings may

be instituted by and in the name of the inspector to recover the fines and penalties provided under this Act.

13. Except where otherwise provided herein every ^{Penalties.} person committing a breach of this Act shall for each offence be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

14. In the event of any dispute between a body of ^{Conciliation Boards.} loggers, not less than twenty-five in number, and the employer, it shall be lawful for either the loggers or the employer to apply to the Commissioner for the appointment of a Conciliation Board. In such case the Commissioner may if satisfied that the dispute is not likely to be settled by other methods at his discretion appoint a person to be the Chairman. The loggers concerned and the employer may each appoint a member. The Board so constituted shall (a) define the issues in dispute; (b) make a report upon such issues, which report shall be forwarded to the Commissioner and by him forthwith be published.

15. The operation of Section 19 of Chapter 216 of ^{Suspension of} the Consolidated Statutes (Third Series) added to the ^{Section 19,} said Chapter by the Act 22 George V, Chapter 21, and ^{Cap. 216 C.S.} suspended by sundry Acts until the 1st day of October, 1938, shall be deemed to have been further suspended from the said 1st day of October, 1938, to the date of its repeal by this Act.

16. The Acts set forth in the Schedule hereto are ^{Repeal} hereby repealed to the extent set forth in the third column of such Schedule.

17. This Act may be cited as the Logging Act, 1938. ^{Short title.}

Schedule.

SCHEDULE

Enactments Repealed

Session and Chapter	Title or Short Title	Extent of Repeal
1. Consolidated Statutes (Third Series) Cap. 216.	Of the Employment of men engaged in Logging.	The whole Chapter.
2. 22 George V, Cap. 21.	An Act to amend Chapter 216 of the Consolidated Statutes (Third Series) entitled "Of the Employment of Men Engaged in Logging".	The whole Act.
3. 23 & 24 George V, Cap. 37.	An Act further to amend Chapter 216 of the Consolidated Statutes (Third Series) entitled "Of the Employment of Men Engaged in Logging".	The whole Act.
4. 1935 Act No. 14.	An Act further to amend Chapter 216 of the Consolidated Statutes (Third Series) entitled "Of the Employment of Men Engaged in Logging".	The whole Act.

1938

Logging Act

No. 46

SCHEDULE

Enactments Repealed

Schedule.

Session and Chapter	Title or Short Title	Extent of Repeal
5. 1938 Act No. 13.	An Act further to amend Chapter 216 of the Consolidated Statutes (Third Series) entitled "Of the Employment of Men Engaged in Logging".	The whole Act.
6. 1938 Act No. 25.	An Act to amend the Act No. 13 of 1938 entitled "An Act further to amend Chapter 216 of the Consolidated Statutes (Third Series) entitled 'Of the Employment of Men Engaged in Logging'."	The whole Act.



AN ACT RESPECTING SANITATION AND MEDICAL
ATTENDANCE IN LOGGING CAMPS

[8th December, 1938]

SECTION

- 1.—Interpretation.
- 2.—Bunk houses to be provided in every camp; how constructed; equipment.
- 3.—Bath house; drying house; sick accommodation.
- 4.—Medical treatment and supplies to be provided; deductions from wages for payment; liability for non-provision of services.

SECTION

- 5.—Inspection of camps and bunk houses.
- 6.—Duty of employer in respect of sanitation.
- 7.—Regulations.
- 8.—Reporting of communicable disease and precautions to be taken.
- 9.—Immunization against communicable diseases.
- 10.—Penalties.
- 11.—Repeal.
Schedule.

Be it enacted by the Governor, by and with the advice A.D. 1938.
of the Commission of Government, as follows:

1. In this Act and in any regulations made there- Interpretation.
under—

- (a) "Commissioner" means the Commissioner for Public Health and Welfare.
- (b) "Department" means the Department of Public Health and Welfare.
- (c) "Inspector" means any person appointed by the Commissioner to inspect any camp or camps.
- (d) "logging camp" or "camp" means an establishment consisting of temporary buildings in which employed persons engaged in the cutting of pit props or pulp wood upon wages or upon a piece work basis, are housed (such

camp being established and operated under the provisions of the Act No. 46 of 1938, entitled "An Act Relating to Logging Camps".

- (e) "logger" means a man engaged in the work of cutting, trimming, hauling, driving, piling, handling and loading trees or logs and shall include cooks and helpers employed in the camp and in the logging operations in the woods.
- (f) "employer" means a person recognized and registered as an employer of loggers under the said Act No. 46 of 1938.

CONSTRUCTION OF CAMPS

Bunk houses to be provided in every camp; how constructed; equipment. **2.** Bunk houses for sleeping and mess houses shall be provided in every camp and shall be in accordance with the following provisions:

- (a) There shall be not less than 200 cubic feet of air space in a bunk house for every man accommodated.
- (b) Proper means of ventilation shall be provided.
- (c) At least one square foot of window light for each person accommodated shall be provided.
- (d) The bunk house shall be roofed or covered with board and tarred felt on the outside and shall be maintained in a water-tight condition.
- (e) The floors shall be constructed of board or of logs flattened on three sides and the construction of houses shall be such that wind or draught shall not come up through the floors.

- (f) Where twenty-five or more persons are accommodated the bunk house shall be provided with two doors at opposite ends of the building.
- (g) All outside openings of bunk houses and mess houses shall during the fly season be screened against the entrance of flies.
- (h) Stoves or other heating appliances sufficient to maintain a comfortable living temperature in cold weather shall be provided.
- (i) Bunks sufficient in number for all the men to be accommodated shall be provided and equipped with mattresses.
3. (1) The Commissioner may in his discretion order that any camp be provided with a bath house and drying house in which employees may take baths and wash and dry clothing. Bath house; drying house; sick accommodation.
- (2) The Commissioner may in his discretion require an employer to make provision in any camp for adequate accommodation for sick or injured loggers.

MEDICAL SERVICES

4. (1) The employer in the case of any camp where the average number of men employed for one month or more equals or exceeds twenty shall contract with one or more legally qualified medical practitioners for the prompt medical and surgical treatment of the loggers housed in such camp and for the supply to them of Medical treatment and supplies to be provided; deductions from wages for payment; liability for non-provision of services.

any necessary medicines or medical or surgical supplies.

- (2) If the employer satisfies the Commissioner that because no registered medical practitioner is obtainable or for any other adequate reason he is unable to make provision in accordance with the preceding subsection, the Commissioner may prescribe other provision to be made by the employer for the medical and surgical care of his employees.
- (3) The employer may deduct from the wages or payments for piece or other work due to each logger accommodated in such camp money at a rate per month not exceeding such rate as may be prescribed in regulations made under this Act. All sums so deducted shall be paid in full to the medical practitioner or practitioners who have contracted for the medical care of the camp, or shall be used to pay for the alternative services provided for under subsection (2) preceding.
- (4) An employer who fails to contract for the services of a registered medical practitioner for any camp and makes no alternative provision as may be approved by the Commissioner shall be liable for all medical attendance upon and hospital care of any logger taken ill or injured while in his employ during the whole period until recovery together with maintenance of the dependents of such patient during such period.
- (5) An employer who contracts for medical services as provided in subsection (1) hereof or who makes such alternative provision as may

be approved by the Commissioner shall not be liable for the care of a logger who becomes ill or is injured while in his employ beyond the time when such logger can be removed to hospital or to his home, and is so removed.

INSPECTION

5. (1) Every logging camp and bunk house shall be liable to inspection at any time by inspectors appointed by the Commissioner for Natural Resources. Inspection of
camps and
bunk houses.

- (2) The employer in respect of every camp shall admit the inspector and facilitate his inspection and shall provide at a reasonable price board and lodging if requested by the inspector.

6. It shall be the duty of every employer to see that the camp is kept in a clean, sanitary and wholesome condition and to carry out or cause to be carried out all reasonable directions of an inspector or medical health officer to that end. Duty of
employer in
respect of
sanitation.

REGULATIONS

7. The Commissioner may, subject to the approval of the Governor in Commission, make regulations in respect of camps in relation to— Regulations.

- (a) The design and construction of bunk houses and mess houses.
- (b) The provision and construction of toilets.
- (c) The location of stables.

- (d) The disposition of refuse.
- (e) The protection of water supplies from contamination.
- (f) The provision of adequate water supplies.
- (g) The cleansing of bunk houses, kitchens and messrooms.
- (h) The exclusion of flies.
- (i) The storage of foodstuffs.
- (j) The deductions which may be made from loggers' wages towards the cost of medical services.

All such regulations shall be published in the Newfoundland Gazette and shall have effect as from a date therein stated or in the absence of any such statement then from the date of publication.

COMMUNICABLE DISEASES

Reporting of communicable disease and precautions to be taken.

8. Whenever any communicable disease shall appear in any camp it shall be the duty of the employer, or if he is not present, the person in charge of such camp immediately to notify the nearest medical health officer and to carry out such measures by way of quarantine or isolation of patients as such medical health officer may direct.

Immunization against communicable diseases.

9. (1) It shall be lawful for any medical practitioner thereto authorized by the Commissioner, which authorization may be given by telegram, to require that any person employed or applying for employment in or about a

camp or in any position where he will have contact with the persons employed in a camp do satisfy such medical practitioner that he has been immunized within such period as creates present immunity against smallpox, typhoid and diphtheria, and to require the employer to dismiss or refuse to employ, as the case may be, any person failing so to satisfy the medical practitioner.

- (2) The Commissioner may at any time by written or telegraphic order require any employer to demand for any specified period or until further notice from every person employed or applying for employment in or about a camp or in any position in which he will have contact with persons employed in a camp a certificate from a medical practitioner that such person has been immunized within such period as creates present immunity against any specified communicable disease; and to produce such certificate to a medical practitioner thereto authorized by the Commissioner; and the Commissioner may by the same or a subsequent order require the employer to dismiss or to refuse to employ as the case may be any person or any specific person who is not shown to have been so immunized unless such person shall forthwith submit to immunization.
- (3) The provisions of this Act shall be supplementary to and not in substitution for the general laws of Newfoundland relating to sanitation and the prevention of disease.

PENALTIES

10. (1) Every person committing a breach of the ^{Penalties.} provisions of this Act or of regulations made

thereunder, shall be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding thirty days.

- (2) Nothing in this section shall prevent an employer from being liable to be struck off the register by the Commissioner for Natural Resources in respect of a breach of this Act or of regulations made thereunder.

Repeal.

11. The Acts mentioned in the Schedule hereto are hereby repealed to the extent mentioned in the third column of the said Schedule.

SCHEDULE

Schedule.

Session and Chapter	Title or Short Title	Extent of Repeal
1. 22 George V, Cap. 12.	The Health and Public Welfare Act, 1931.	Sections 418 to 433 inclusive.
2. 23 & 24 George V, Cap. 17.	An Act to amend the Act 22 George V, Chapter 12 (The Health and Public Welfare Act, 1931)	Sections 4, 5 and 6.

AN ACT RESPECTING INDUSTRIAL STATISTICS

[10th December, 1938]

SECTION

- 1.—Interpretation.
- 2.—Appointment of Chief Statistician and other officers.
- 3.—Oath of Chief Statistician and other officers.
- 4.—Forms for collection of data.

SECTION

- 5.—Governor in Commission may authorize special statistical investigation.
- 6.—Refusal to furnish information; penalty.
- 7.—Secrecy of returns.
- 8.—Short title.

Be it enacted by the Governor, by and with the advice **A.D. 1938.**
of the Commission of Government, as follows:

1. In this Act—

Interpretation.

(a) “Commissioner” means the Commissioner for Public Health and Welfare.

(b) “Department” means the Department of Public Health and Welfare.

2. The Commissioner may appoint a Chief Statistician in the Department and may appoint other officers or clerks in the Department to assist the said Chief Statistician.

Appointment of Chief Statistician and other officers.

3. (1) The Chief Statistician and all officers or clerks appointed to assist him shall, before entering on their duties, take and subscribe the following oath:

Oath of Chief Statistician and other officers.

“I, A. B., solemnly swear that I will not without due authority in that behalf, disclose or make known any matter or thing which comes to my knowledge by reason of my employment as Chief (or assistant, as the case may be) Statistician in the Department of Public Health and Welfare”.

- (2) The oath shall be taken before a Justice of the Peace and returned and recorded in such manner as the Commissioner may prescribe.

Forms for
collection of
data.

4. (1) The Chief Statistician shall under the direction of the Commissioner prepare forms for the collection of such data as may be deemed desirable for the proper presentation of industrial statistics covering such periods as may be prescribed by the Commissioner, which forms may embody requirements as to:

- (a) The names of persons, partnerships or corporations.
 - (b) The kinds of business done, or goods manufactured by the same.
 - (c) The amount of capital invested.
 - (d) The principal stock of raw materials used and the total value thereof.
 - (e) The quantity of goods manufactured, handled or exported.
 - (f) The number of persons employed, classified as may be prescribed.
 - (g) The power used or generated.
 - (h) The total of wages and salaries paid.
 - (i) The period or periods of time during which business is carried on,
- and any other special matter.

(2) Any or all of the said forms may at any time be sent by mail to the owner, operator or manager of any business or enterprise with respect to which information is desired, and such owner, operator or manager or any person to whom such forms are sent shall answer the enquiries thereon and return the same to the Chief Statistician properly certified as to accuracy not later than the time prescribed thereon: Provided, however, that the Commissioner may, in his discretion, extend the time for returning the forms.

(3) The Chief Statistician may likewise under the direction of the Commissioner prepare forms embodying enquiries addressed to any person who has the custody or charge of any municipal records or documents which forms may embody enquiries as to:

(a) The number of persons employed, distinguished as to sex and age.

(b) The total of wages and salaries paid to such persons, individuals or classes of them.

(c) The number of days worked by such persons or individuals or classes of them.

5. The Governor in Commission may authorize the Governor in Commission to have any special statistical investigation made which is deemed advisable and may prescribe the manner in which such investigation shall be made and the forms to be sent to persons required to give information.

6. Every person who, without lawful excuse, refuses or neglects to fill up with true, correct and complete information to the best of his knowledge and belief any

Governor in Commission may authorize special statistical investigation.

Refusal to furnish information; penalty.

schedule or form which he has been required to fill up, or refuses or neglects to return the same as and when required of him under this Act, or wilfully gives false information therein or practices any other deception thereunder, shall, for every such refusal or neglect, or false answer or deception, be guilty of an offence and liable upon summary conviction, to a penalty not exceeding one hundred dollars, or to imprisonment for a period not exceeding three months, or to both fine and imprisonment.

Secrecy of
returns.

7. (1) No individual return, and no part of an individual return, made, and no answer to any question put, for the purposes of this Act, shall, except as part of a general report or summary or general statistics, and subject to the provisions of the next following sub-section, be published without the previous consent in writing of the person or partner or corporation in relation to whose business the return or answer is made or given, nor, except for the purposes of a prosecution under this Act, shall any person not appointed by the Commissioner to carry out duties under this Act be permitted to see any such individual return, or any part thereof.

(2) No report, summary or statistics, or other matter for publication prepared under this Act, shall contain any of the particulars comprised in any individual return so arranged as to enable any person to identify any particular so published as being a particular relating to the business of any individual person, partnership or corporation.

Short title

8. This Act may be cited as the Industrial Statistics Act, 1938.

AN ACT TO AMEND THE EXPLOITS VALLEY
(CLOSING HOURS) SHOP ACT, 1938.

SECTION 1.—Amendment Section 10 of Act No. 36 of 1938; extension of weekly hours of employment Christmas period.

A.D. 1938.

[10th December, 1938]

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

1. Notwithstanding anything contained in Section 10 of the Act No. 36 of 1938, the Exploits Valley (Closing Hours) Shop Act, 1938, it shall be lawful, during the period in each year immediately preceding Christmas Day in which are included the six opening days referred to in subsection (1) of Section 6 of the said Act, for any person under eighteen years of age and any female to be employed in any shop to which the said Act applies for more than forty-eight hours but not more than fifty-four hours; and it shall be lawful during the said period for any other person to be employed in any such shop for more than fifty-four hours but not more than sixty hours.

Amendment
Section 10
of Act. No.
36 of 1938;
extension of
weekly hours
of employ-
ment Christma
period.

AN ACT RELATING TO THE KEEPING OF DOGS

[31st December, 1938]

SECTION

- 1.—Extent of application of Part I of Act.
- 2.—Proclamations requiring licensing of dogs, prohibition of keeping unlicensed dogs.
- 3.—Dogs to wear licence tags.
- 4.—Proclamations prohibiting keeping of dogs.
- 5.—Exceptions to prohibition in areas where keeping of dogs prohibited; licensing; tagging.
- 6.—Regulations; appointment of licensing officers.
- 7.—Unlicensed dogs may be destroyed by constable or person authorised by magistrate.
- 8.—Dogs to be kept under control at night.
- 9.—Dogs found at large during night may be destroyed.
- 10.—Waiver of licence fee in certain cases.
- 11.—Penning of dogs by order of magistrate; publication of order.
- 12.—Control of dogs in Labrador.
- 13.—Dogs found at large may be killed.
- 14.—Dogs of Esquimaux breed not permitted to be brought from Labrador to Newfoundland; destruction of same.
- 15.—Extent of application of Part III of Act.
- 16.—Dogs to be kept under control at night; exception.
- 17.—Dogs to be kept under control during day; exceptions.

SECTION

- 18.—Dogs found at large may be destroyed.
- 19.—Effect of order under Section 17; how published.
- 20.—Extent of application of Part IV of Act.
- 21.—Dogs discovered injuring human beings, cattle, poultry, etc., may be destroyed.
- 22.—Respecting complaints to court of summary jurisdiction of dangerous dogs and dogs not under proper control; orders of Court; penalty for failure to obey order.
- 23.—Liability of owner of dog for injury; plaintiff need not show previous mischievous propensity in dog, etc.
- 24.—Persons authorised may destroy dogs; order of magistrate for destruction of dogs; penalty for failure to obey.
- 25.—Proceedings and recovery of costs against owner of dog when order of magistrate not obeyed.
- 26.—Onus of proof on owner as to age of dog.
- 27.—Who is deemed owner of dog.
- 28.—Definition of "cattle", and "dog".
- 29.—Penalties.
- 30.—Importation of dogs; regulations; quarantine; penalty.
- 31.—Extent of repeal.
- 32.—Short title.

Be it enacted by the Governor, by and with the advice of A.D. 1938
the Commission of Government, as follows:

PART I.

1. This Part of the Act shall apply to that part of Newfound-
land South and East of a line drawn from Rosee Point running due East ten miles and thence North-
eastward to Swift Current, thence due East to the line of the Newfoundland Railway, thence South by the said
railway to Come-by-Chance Station, and thence East to the waters of Bay Bulls Arm, which area shall be deemed
to include the whole of the Avalon and Burin peninsulas and the islands adjacent thereto but excluding neverthe-
less that portion of the Burin peninsula North and West of the said line and also excluding the area comprised
within the limits of the boundaries of the City of St. John's and within one mile thereof in any direction.

2. (1) The Governor in Commission may from time to time by proclamation order that within any
area described and as from any date specified in such proclamation all owners of dogs shall
register such dogs and obtain licences for them.

Proclamations
requiring
licensing of
dogs, prohibi-
tion of keeping
unlicensed
dogs.

(2) From and after the date specified in any such
proclamation, no person shall keep any dog,
other than a puppy not more than four
months old, within the area to which such pro-
clamation relates, unless such dog has been
registered and licensed under this Act.

3. The owner of every licensed dog shall immediately
on receiving the licence attach to a strong and durable
collar, which collar shall be kept upon the dog's neck at
all times when it is outside the enclosed premises of the
owner, a licence tag to be furnished by the officer issuing
the licence.

Dogs to wear
licence tags.

Proclamations
prohibiting
keeping of
dogs.

4. The Governor in Commission may from time to time by proclamation prohibit the keeping of dogs, save as in the next following section provided, within any area described, and as from a date specified, in such proclamation, which date shall be not less than three months after the date of the issue of such proclamation.

Exceptions to
prohibition in
areas where
keeping of
dogs prohib-
ited; licensing;
tagging.

5. (1) From and after the date specified in and by the said last mentioned proclamation no person resident within such area shall keep or have within the said area any dog other than a puppy not more than four months old:

Provided however that—

- (a) this section shall not apply to any person travelling or passing through such area and having a dog or dogs in his possession and under his control and not at large.
- (b) any person resident within the said area may be authorized by a licensing officer to keep a collie or sheep dog certified by any officer of the Government nominated for this purpose as adequately trained and actually kept for agricultural purposes, or a Newfoundland dog, or a dog which in the opinion of the licensing officer is a trained game dog, or any dog used for haulage which, when not so used or in exercise under proper control, is always kept penned, or a pet dog, which in the opinion of the licensing officer, is not capable of killing or seriously injuring a sheep or lamb.
- (c) any Government servant, clergyman, medical practitioner, mail courier or tele-

graph line repairer may be licensed to keep such number of dogs of a kind suitable for travelling or hauling as may by the licensing officer be deemed to be necessary for use in connection with his work or business: Provided that such dogs shall always be kept under the immediate control of some person capable of controlling them.

- (d) any person dissatisfied with the decision of the licensing officer under sub-sections (b) and (c) of this section may appeal by post letter to the stipendiary magistrate of the district in which such person resides, whose decision shall be final.
- (e) a stipendiary magistrate may issue a certificate to a licensing officer authorizing the issue of a licence for the keeping in any district notwithstanding any proclamation under this section of a pedigreed dog or dog of special breed, type or quality. Any such certificate may require the licence to be issued subject to such conditions and effective for such period as the magistrate may think fit and such licence shall be issued accordingly and shall become void upon breach of any of the conditions thereof.
- (f) If it be made to appear to any licensing officer that a dog licensed under this section ought not to have been licensed or has ceased to come within the description of dogs permitted to be licensed hereunder such officer may notify the Commissioner who may order such licence cancelled.

- (2) Dogs licensed under this section shall be registered and furnished with licence tags, as provided in Sections 2 and 3 of this Act.

Regulations;
appointment
of licensing
officers.

6. (1) The Commissioner for Natural Resources (hereinafter called "the Commissioner") may by regulation prescribe—

(a) the form and nature of the licences and licence tags to be issued under this Act and the period of validity of licences; and

(b) the fees, if any, to be paid for licences and renewals thereof and licence tags.

- (2) The Commissioner may appoint licensing officers who shall keep registers of all dogs licensed by them.

Unlicensed
dogs may be
destroyed by
constable or
person author-
ized by
magistrate.

7. (1) Any dog in respect of which a licence has not been issued or in respect of which a licence has been cancelled as provided in Section 5 of this Act, and any dog found at large without a licence tag in any area where the licensing of dogs is required under Section 2 or Section 5 of this Act may be destroyed by any constable or any person generally or specially authorised by a magistrate in that behalf.

- (2) This section shall not apply to dogs under the age of four months.

Dogs to be
kept under
control at
night.

8. The owner of every dog within the area to which this Part of the Act applies whether such dog be licensed or not shall keep such dog under his control between the hours of sunset and sunrise.

9. Any dog found at large in the area to which this Part of the Act applies between the hours of sunset and sunrise and not under the control of some person may be destroyed by any constable or any person generally or specially authorized by a magistrate in that behalf.

Dogs found at large during night may be destroyed.

10. A licensing officer shall waive the collection of a dog licence fee excluding the cost of the tag upon the certificate of a stipendiary magistrate that he is satisfied—

Waiver of licence fee in certain cases.

(a) that the keeping of the dog is necessary to the individual and not inconsistent with the general interests of the community; and

(b) that the owner of the dog is so poor as to be unable to pay in cash the prescribed fee.

11. (1) A stipendiary magistrate may by order under his hand require all persons resident within any town, village or settlement in that part of Newfoundland to which this Part of the Act applies the boundaries whereof shall be fixed by him in such order, to keep all their dogs safely enclosed or penned up during such period or periods as may be specified in such order.

Penning of dogs by order of magistrate; publication of order.

(2) Any such order shall be deemed to be sufficiently published to all persons if posted up in a conspicuous public place in the town, village or settlement affected thereby.

(3) Any dog found at large during the continuance of and contrary to such order may be destroyed by any constable or any person thereto specially authorized by the magistrate.

PART II.**LABRADOR**

Control of
dogs in
Labrador.

12. (1) In all towns, settlements or villages in that part of Labrador between Cape Harrison and Cape Chidley all persons being the owners of or having the control of dogs shall keep such dogs penned up or chained up between the hours of 6 p.m. and 6 a.m. when not under the immediate control of a person capable of controlling them.

(2) In all towns, settlements or villages in that part of Labrador between Cape Harrison and Blanc Sablon all persons being the owners of or having the control of dogs shall keep such dogs penned up or chained up at all times when not under the immediate control of a person capable of controlling them.

(3) This section shall not apply to dogs not more than four months old.

Dogs found at
large may be
killed.

13. Any dog found at large in Labrador contrary to the provisions of the preceding section may be killed by a ranger or by any person by him generally or specially authorised in that behalf.

Dogs of Esqui-
maux breed
not permitted
to be brought
from Labrador
to Newfound-
land; destruc-
tion of same.

14. (1) No person, unless specially authorised by the Commissioner in writing, shall bring into Newfoundland from Labrador any dog of the Esquimaux breed. This section shall be held to apply to dogs partly or wholly of that breed and whether such dogs are brought directly or indirectly from Labrador. Any person who brings into Newfoundland from Labrador any dog contrary to this section and any person who keeps in Newfoundland any

dog brought into Newfoundland contrary to this section shall be guilty of an offence against this Act and any such dog may be destroyed by a constable or ranger or any person generally or specially authorised by a magistrate in that behalf.

- (2) No person unless specially authorised by the Commissioner in writing shall bring any dog to the Labrador.
- (3) On and after July 1st, 1939, it shall be unlawful to own or keep on any part of Labrador any dog except a dog of the native or Esquimaux breed and any such dog shall be destroyed by any constable or ranger.

PART III.

15. This Part of the Act shall apply to the whole of Newfoundland with the exception of the following areas: Extent of application of Part III of Act.

- (a) The area described in Part I of this Act Section 1 being the area to which the said Part applies.
- (b) Labrador.
- (c) The area comprised within the limits of the boundaries of the City of St. John's, and within one mile thereof in any direction.

16. Every owner of a dog in Newfoundland to which this Part of the Act applies shall keep such dog safely tethered or penned up at all times between sunset and sunrise save when under the immediate control of some person capable of controlling it at the time. Dogs to be kept under control at night; exception.

Dogs to be kept under control during day; exceptions.

17. (1) Except as hereinafter provided in this section every owner of a dog in Newfoundland to which this Part of the Act applies shall keep such dog safely tethered or penned up at all times between sunrise and sunset save when such dog is under the immediate control of some person capable of controlling it at the time.

(2) A stipendiary magistrate may by written order made with reference to the owners of dogs residing within any town, village, settlement or area the boundaries whereof shall be fixed by him grant complete or partial exemption from the provisions of this section subject, however, to the provisions that no such order shall permit dogs to be kept contrary to Section 16 of this Act.

(3) Any such order shall remain in force for such period as stated therein or until revoked by order under the hand of a stipendiary magistrate.

(4) Any such order may apply to all dogs within the area or may exempt dogs of any special breed, type or quality or dogs of any particular class of persons.

(5) Any such order may provide terms and conditions upon which and periods during which dogs may be allowed at large and may prescribe and regulate the muzzling of dogs or other method of keeping dogs under control.

Dogs found at large may be destroyed.

18. Any dog found at large contrary to the provisions of this Part of this Act or of any order made here-

under may be destroyed by any constable or ranger or by any person generally or specially authorised by a magistrate in that behalf.

19. Any order made under Section 17 of this Act shall have effect as from the date of publication thereof and shall be deemed to be sufficiently published to all persons if put up in a conspicuous public place in the town, village, settlement or area to which it applies.

Effect of order under Sec. 17; how published.

PART IV.

20. This Part of the Act shall apply to the whole of Newfoundland including Labrador and within the City of St. John's.

Extent of application of Part IV of Act.

21. Every dog discovered killing, maiming or worrying human beings, cattle or poultry, may be shot or otherwise destroyed by the owner of such cattle or poultry, or by any person witnessing such killing, maiming or worrying.

Dogs discovered injuring human beings, cattle, poultry, etc., may be destroyed.

22. Any court of summary jurisdiction make take cognizance of a complaint that a dog is dangerous and not kept under proper control or has bitten or attempted to bite any person or has injured, worried or chased cattle or poultry, and if it appears to the court that such dog is dangerous or has done any of the said things, the court may make an order directing the owner of the dog to destroy the dog. Any person failing to comply with such order shall be liable to a penalty not exceeding five dollars for every day during which he fails to comply with such order.

Respecting complaints to court of summary jurisdiction of dangerous dogs and dogs not under proper control; orders of Court; penalty for failure to obey order.

Liability of owner of dog for injury; plaintiff need not show previous mischievous propensity in dog, etc.

23. The owner of a dog shall be liable for damages or injury done to any person or cattle or poultry or any goods or property of any kind whatever by that dog; and it shall not be necessary for the person seeking such damages to show a previous mischievous propensity in that dog, or the owner's knowledge of such previous propensity or to show that the injury was attributable to neglect on the part of the owner.

Persons authorised may destroy dogs; order of magistrate for destruction of dogs; penalty for failure to obey.

24. Any person authorized to destroy a dog under this Act may destroy such dog or may complain to a stipendiary magistrate who, upon being satisfied as to the facts, may make an order directing the owner of the dog to destroy the dog. Any person failing to comply with such order shall be liable to a penalty not exceeding five dollars for every day during which he fails to comply with such order.

Proceedings and recovery of costs against owner of dog when order of magistrate not obeyed.

25. Whenever a stipendiary magistrate may make an order under this Act for the destruction of a dog and such order is not complied with within the time specified in such order or, if no time be specified then within twenty-four hours, then such magistrate may make an order directing any person to destroy the dog and to enter if necessary upon the property of the defendant or of such person as may have custody of the dog and such person directed by a magistrate may proceed in accordance with such order and may recover all reasonable costs and expenses of such destruction and disposal of such dog from the person against whom such order was made by civil suit before any stipendiary magistrate.

Onus of proof on owner as to age of dog.

26. In any proceeding under this Act the proof that a dog was under the age of four months shall lie upon the owner of the dog or the person having possession thereof.

27. Any person who has custody, charge or possession of any dog or who is the owner of any house or premises or part of premises where any dog is kept or permitted to live or remain shall be deemed to be the owner of the dog at that time for the purposes of this Act unless he proves that he was not the owner of the dog.

Who is deemed owner of dog.

28. In this Act the expression "cattle" includes horses, mules, asses, sheep, goats and swine, of either sex, and the expression "dog" includes female dog.

Definition of "cattle" and "dog".

29. If any dog is kept contrary to the provisions of this Act or of any order made under Section 11 or under Section 17 hereof the owner of such dog shall be liable on summary conviction to a fine not exceeding twenty-five dollars for every such offence and in default of payment to imprisonment not exceeding fourteen days.

Penalties.

30. (1) The Governor in Commission may from time to time make such orders and regulations as he thinks fit for prohibiting or regulating the importation of dogs into Newfoundland, and for prescribing the ports and parts of ports at which and the conditions under which such importation may be permitted, including conditions as to the detention of dogs on quarantine at their owners' expense for such time and under such restrictions as may be prescribed by such regulations, and as to the destruction or sale of dogs in cases where their owners refuse to become responsible for the expense of their detention on quarantine, and of such dogs as may be ascertained or suspected to be infected with rabies.

Importation of dogs; regulations; quarantine; penalty.

(2) Any person committing a breach of such regulations shall be liable to a fine not exceeding two hundred dollars, recoverable summarily,

or in default of payment to imprisonment not exceeding thirty days.

Extent of
repeal.

31. The Dog Acts, 1935-36 (Act No. 18 of 1935 and Act No. 27 of 1936) are hereby repealed, and all proclamations made under the said Acts in respect of that part of Newfoundland to which Part II and Part III of this Act apply shall be deemed to have been rescinded, but all proclamations made under the said Acts in respect to that part of Newfoundland to which Part I of this Act applies shall be deemed to continue in force under this Act.

Short title.

32. This Act may be cited as the Dog Act, 1938.

AN ACT FOR GRANTING TO HIS MAJESTY CERTAIN
DUTIES OF CUSTOMS AND EXCISE.

[31st December, 1938]

SECTION—

- 1.—Interpretation.
- 2.—Interpretation in relation to gasoline drawbacks.
3. (1) Customs duties; rates of.
- (2) Extension of preferential duties to non-self-governing Colonies, etc.
- (3) Duty on goods the product of Jamaica.
- (4) Proof of origin.
- 4.—Intermediate Tariff; extension and withdrawal thereof.
5. (1) Gasolene brought from mainland into Peninsula of Avalon.
- (2) Penalties for contravention.
- 6.—Drawbacks.
- 7.—Excise duties.
- 8.—Export taxes.
- 9.—Prohibited goods.
- 10.—Duty on goods re-imported after exportation.
- 11.—Special duty in the case of depreciated currencies
- 12.—Declaration for claiming exemptions.
13. (1) Trusts or combinations; enquiries.
- (2) Powers of Judge upon enquiry.
- (3) Modification of Tariffs.
- 14.—Marking of alcoholic preparations.
- 15.—Coverings and containers.
- 16.—Reciprocal reductions in duty on fish.
- 17.—Special duties on goods from certain countries.

SECTION—

- 18.—Export duty on herring in certain cases.
19. Coal duties, proportion to be appropriated to municipalities, etc.
- 20.—Seed potatoes, duty on.
- 21.—Hay, duty on.
- 22.—Lumber, survey of for duty.
- 23.—Articles for use in new industries, duty on.
- 24.—Reciprocal reduction in duty on certain articles.
- 25.—Rebate on export of locally manufactured goods.
- 26.—Specified goods, marking of on importation.
- 27.—Unmarked goods; prohibition and forfeiture.
28. (1) Licensing of factories for goods subject to Excise duty.
- (2) Regulations.
- (3) Licence fees.
- 29.—Factories to be bonded warehouses; regulations, marking of goods, etc.
- 30.—Unmarked goods, subject to Excise; prohibition and forfeiture.
- 31.—Excise duty; when payable.
- 32.—Establishments for manufacture of spirits and malt liquors; control, regulations; marking of products of.
33. (1) Establishments for manufacture of spirits or malt liquors, rendering of accounts.
- (2) Allowance for waste,

SECTION

- 34.—Penalties.
 35.—Drawbacks.
 36.—Gasolene rebate limited to registered fishing boats.
 37.—Registration of boats for gasolene rebates.
 38.—Gasolene rebates, conditions for claiming same.

SECTION

- 39.—Saving of statutory rights.
 40.—Educational films; exemption of from Customs duty.
 41.—Repeal.
 42.—Date of coming into operation.
 43.—Short title.

A.D. 1938. **Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:**

Interpretation.

1. In this Act, and in any other Act relating to the Customs and Excise and in any regulations made under such Acts unless the context otherwise requires:—

- (a) “ad val.” means ad valorem.
- (b) “brl.” or “barrel” in relation to beef, pork and jowls salted in barrels, means 200 lbs.
- (c) “bushel” in relation to oats means 34 lbs.; to potatoes, sweet potatoes or yams 60 lbs.; to turnips, beets or carrots 50 lbs.; to parsnips 40 lbs.; and to lime 100 lbs., respectively.
- (d) “cwt.” means one hundred and twelve lbs.
- (e) “gal.” or “gallon” means an Imperial gallon.
- (f) “goods” means goods, wares, materials, merchandise, and moveable effects of any kind, and includes vessels, vehicles, aircraft and animals.

- (g) "importer" means, includes and applies to any owner or other person for the time being possessed of or beneficially interested in any goods at and from the time of the importation thereof until the same are duly delivered out of the charge of the officers of Customs.
- (h) "lb." or "lbs." means pound or pounds avoirdupois.
- (i) "M" means one thousand.
- (j) "N.E.S." represents and has the meaning of the words "not elsewhere specified".
- (k) "Newfoundland" means the Island of Newfoundland and the islands adjacent thereto and Labrador and the islands adjacent thereto.
- (l) "N.O.P." represents and has the meaning of the words "not otherwise provided".
- (m) "officer of Customs" means any person appointed under the authority of Section 4 of the Customs and Excise Act, 1938, and shall include any person acting in aid of such person.
- (n) "oz." means ounce avoirdupois.
- (o) "p.c." and the symbol "%" mean per cent.
- (p) "plate", when applied to metals, means a plate or sheet more than three-sixteenths of an inch in thickness.
- (q) "proof" or "proof spirits", when applied to spirits of any kind, means spirits of a strength

equal to that of pure ethyl alcohol compounded with distilled water in such proportions that the resultant mixture shall at a temperature of sixty degrees Fahrenheit have a specific gravity of 0.9198 as compared with that of distilled water at the same temperature.

- (r) "qtl." means one quintal of one hundred and twelve lbs.
- (s) "reputed quarts" and "reputed pints" applied to beer, ale, porter, wines and spirits imported in bottles or other containers mean one sixth and one twelfth of one gallon respectively.
- (t) "sheet", when applied to metals, means a sheet or plate not exceeding three-sixteenths of an inch in thickness.
- (u) "ton" means two thousand two hundred and forty lbs.
- (v) "warehouse" means a secure place approved by the Board of Customs in which goods imported may be lodged, kept or secured without payment of duty.

Interpretation
in relation to
gasolene
drawbacks.

2. In this Act and in any other Act relating to the payment of a drawback or rebate on gasolene used in the prosecution of the fisheries:—

- (a) "fishing boat" means a boat used for the purpose of fishing by a person gaining a substantial part of his livelihood thereby.
- (b) "owner" means the person registered under Part 1 of the Merchant Shipping Act 1894 or with the Board of Customs under Section 37 of this Act as owner of a fishing boat.

- (c) "Peninsula of Avalon" shall mean all that portion of Newfoundland lying south and east of a line drawn from a point at mean high water of spring tides at the river's mouth at the most northerly point of Come-by-Chance in Placentia Bay to a point at mean high water of spring tides at the river's mouth at the most northerly point of Bull Arm in Trinity Bay; and shall include all the land lying between Conception and Trinity Bays as well as Bell Island in Conception Bay and all other islands within three miles of the coast line of the said Peninsula.
- (d) "registered fishing boat" means a fishing boat as hereinbefore defined, registered in Newfoundland under Part 1 of the Merchant Shipping Act 1894 or registered under Section 37 of this Act.
- (e) "supplier" means the person, firm or corporation who or which supplies gasoline either for cash or on credit to the owner as hereinbefore defined.
3. (1) Subject to the provisions of this Act, and to Customs duties; rates of. the provisions of the Customs and Excise Acts from time to time in force, there shall be levied, collected and paid upon all goods imported into Newfoundland upon the importation of such goods or the taking of the same out of warehouse for consumption in Newfoundland, duties of Customs at the several rates, if any, set opposite to each item respectively or charged on goods as "not enumerated" in the columns of Schedule A applicable to the goods, subject to the following conditions, viz:—
- (a) The rates of Customs duties, if any, set forth in the column headed "Full" shall

apply to all goods not entitled to admission under the Intermediate Tariff or under the Preferential Tariff.

- (b) The rates of Customs duties, if any, set forth in the column headed "Intermediate" shall apply to goods the growth, produce or manufacture of any British or foreign country to which the benefits of such Intermediate Tariff shall have been extended in the manner hereinafter specified and provided that such goods shall, except in the case of goods the growth, produce or manufacture of the United States of America, have been imported directly from such British country or such foreign country.
- (c) The rates of Customs duties, if any, set forth in the column headed "Preferential" shall apply to goods other than those specified in paragraph (d) of this sub-section the growth, produce or manufacture of the United Kingdom of Great Britain and Northern Ireland and directly imported therefrom.
- (d) The rates of Customs duties, if any, set forth in the column headed "Preferential" shall apply to:—
- Coffee, green, roasted or ground;
Cocoanut, desiccated, sweetened or not;
Tea;
Vegetables, raw, viz: Tomatoes;
Angostura Bitters;
Asphalt, Asphaltum and like preparations;

the product of any of the non-self-governing Colonies and Protectorates or of the Mandated Territory of Tanganyika, the Cameroons under

British mandate, or Togoland under British mandate.

- (2) The Governor in Commission may, if His Majesty's Government in the United Kingdom so requests, by Order in Commission published in the Newfoundland Gazette extend to any of the said non-self-governing Colonies and Protectorates and Territories under mandate any preferences for the time being accorded to the United Kingdom; and such preferences shall thereupon apply as from the date mentioned in the said Order.
- (3) Upon all goods the product of Jamaica, imported directly from that Colony, there shall, during the continuance of certain tariff privileges granted by the Government of Jamaica on products of Newfoundland imported into Jamaica, be allowed a reduction of twenty-five per centum upon the duties set forth against such goods in the column headed "Full" in Schedule A to this Act.
- (4) Proof of origin as prescribed by the Board of Customs shall be furnished with the entry for goods admitted to entry under the Intermediate Tariff or the Preferential Tariff, or under sub-section (3) of this section. The decision of the Board of Customs shall be final as to the rate of duty applicable in any case to imported goods by reason of their origin.

4. The Governor in Commission may from time to time by Order in Commission:—

- (a) Extend the benefit of the Intermediate Tariff in whole or in part to any British or foreign country, goods the growth, produce or manufacture of which have previously been subject

Extension of preferential duties to non-self-governing Colonies, etc.

Duty on goods the product of Jamaica.

Proof of origin.

Intermediate Tariff; extension and withdrawal thereof.

to the rates of Customs duties set forth in the column headed "Full" of Schedule A hereto; and from and after the publication of such order in the Newfoundland Gazette, the rates of duties set forth in the column headed "Intermediate" of the said Schedule, so far as they are mentioned in such order, shall apply to goods the growth, produce or manufacture of such British or foreign country;

- (b) Withdraw the benefits of the Intermediate Tariff from any country to which it has been extended, and from and after the publication of such order in the Newfoundland Gazette the rates of Customs duties set forth in the said column headed "Full" shall apply to goods the growth, produce or manufacture of such country.

Gasolene
brought from
mainland into
Peninsula of
Avalon.

5. (1) No person shall bring into the Peninsula of Avalon any gasolene or motor spirit which has already been imported or brought into any port in Newfoundland, save at a Customs port of entry on the said Peninsula; at which port of entry such person shall report and enter such gasolene or motor spirit at the Custom House and pay thereon by way of duty the difference between duty at the rate payable for ports in the Peninsula of Avalon and duty at the rate payable outside the said Peninsula as prescribed in Schedule A hereto.

Penalties for
contravention.

- (2) If any gasolene or motor spirit shall be brought into the said Peninsula from any other part of Newfoundland in contravention of the provisions of the preceding sub-section, the same shall be deemed to be goods smuggled or unlawfully brought into Newfoundland from abroad without payment of duty; and all the

provisions of the Customs and Excise Acts for the time being in force shall apply thereto and to the person bringing in the same as if the goods were smuggled or unlawfully brought into Newfoundland from abroad without payment of duty.

6. Subject to the provisions of this Act and to the ^{Drawbacks.} provisions of the Customs and Excise Acts from time to time in force there may be paid on the goods set forth in Schedule B to this Act under the conditions specified in that Schedule, and subject to such regulations as the Commissioner for Finance or the Board of Customs may from time to time make, drawbacks of Customs duties at the rates set forth in the said Schedule opposite to the several items.

7. Subject to the provisions of this Act and to the ^{Excise duties.} provisions of the Customs and Excise Acts from time to time in force, there shall be levied, collected and paid upon all goods manufactured in Newfoundland, enumerated in Schedule C to this Act, Excise duties at the several rates set forth in the said Schedule opposite to the several items.

8. Subject to the provisions of this Act and to the ^{Export taxes.} provisions of the Customs and Excise Acts from time to time in force, there shall be levied, collected and paid upon all goods exported from Newfoundland, enumerated in Schedule G to this Act, Export taxes at the several rates set forth in the said Schedule opposite to the several items.

9. The importation into Newfoundland of any goods ^{Prohibited goods.} enumerated, described or referred to in Schedule E to this Act is prohibited, and any such goods imported may be seized and shall thereby become forfeited to the Crown.

10. In any case where—

- (a) goods produced in Newfoundland are re-imported after exportation therefrom; or

Duty on goods re-imported after exportation.

- (b) goods of a class or description chargeable with a duty of Customs under this Act are re-imported into Newfoundland after exportation therefrom and it is shown to the satisfaction of the Board of Customs that any duty so chargeable in respect of the goods was duly paid and either that no drawback of duty was allowed on exportation or that any drawback so allowed has been repaid,

then if it is further shown to the satisfaction of the said Board that the goods have been subjected to a process abroad but that their form or character has not thereby been changed, the goods shall be chargeable with duty under this Act as if the amount of the increase in the value of the goods attributable to the process were the whole value thereof.

Special duty
in the case of
depreciated
currencies.

11. Whenever the currency of any non-British country has depreciated in relation to Newfoundland currency, there shall be imposed upon the produce of such foreign country liable to ad valorem duty or a specific duty, or both, an additional duty or special duty equal to the difference or any part of the difference between the value of the goods computed at the current mean rate of exchange at the date of invoice, such rate of exchange being certified by a Bank or British Consul, and the value of the goods computed at the par value of the said currency, or at the rate of exchange as ordered and published from time to time by the Board of Customs under Section 108 (2) of the Customs and Excise Act 1938, and all such additional or special duties shall be collected in addition to and in the same manner as all other duties now payable.

Declaration for
claiming
exemptions.

12. When goods are imported for any specific purpose and are admissible at a lower rate of duty than would otherwise be chargeable, or are exempt from duty by reason of their intended use or purpose, the importer claiming such lower rate of duty, or exemption from duty,

shall make and subscribe a declaration in the form prescribed by the Board of Customs to be used in such case.

13. (1) Whenever the Governor in Commission has reason to believe that with regard to any goods there exists any trust, combination, association, or agreement of any kind among manufacturers of such goods, or dealers therein, unduly to enhance the price of such goods, or in any way unduly to promote the advantage of the manufacturers or dealers at the expense of the consumers, the Governor in Commission may commission or empower any Judge of the Supreme Court to enquire in a summary way and report to the Governor in Commission whether such trust, combination, association or agreement exists. ^{Trusts or combinations; enquiries.}
- (2) The Judge may compel the attendance of witnesses and examine them under oath and require the production of books and papers, and shall have such other necessary powers as are conferred upon him by the Governor in Commission for the purpose of such enquiry. ^{Powers of Judge upon enquiry.}
- (3) If the Judge reports that such trust, combination, association or agreement exists, and if it appears to the Governor in Commission that such disadvantage to the consumer is facilitated by the duties of Customs imposed upon like goods when imported, then the Governor in Commission may place such goods on the free list, or so reduce the duty on them as to give the public the benefit of reasonable competition in such goods. ^{Modification of Tariffs.}
14. Every medicinal preparation whether chemical or other, usually imported with the name of the manufacturer stated thereon, shall have the true name of such manufacturer and the place where the same was prepared ^{Marking of alcoholic preparations.}

and the word "alcoholic" or "non-alcoholic" permanently and legibly affixed to each container by stamp, label or otherwise; and any medicinal preparation imported without such name and word so affixed shall be forfeited.

Coverings and
containers.

15. Coverings and containers inside and outside, used in covering or holding goods imported therewith shall be subject to the following provisions, viz:—

- (1) The term "coverings and containers" in this section shall include packing boxes, crates, casks, cases, cartons, wrappings, sacks, bagging, rope, twine, straw, carboys, jars, bottles, tins, or other articles of the above mentioned kinds, or any other articles, whether of the same class or kind as the foregoing or not, actually used to contain goods.
- (2) Coverings and containers necessary and usual for and used bona fide for the protection, packing and transportation of the goods they contain shall be charged to duty at the same rate as the goods which they contain: Provided however that:—
 - (a) Coverings and containers necessary and usual for and used bona fide for the protection, packing and transportation solely of goods admissible free of duty or subject to a specific duty only shall, except as otherwise provided in Schedule A to this Act be admitted free;
 - (b) Coverings and containers other than coverings and containers necessary and usual for and used bona fide for the protection, packing and transportation of the goods they contain, shall be charged with the rate of duty to which such coverings

and containers would be subject if imported separately where such rate of duty is higher than the rate of duty applicable to the goods contained therein;

- (c) Where coverings and containers are charged separately in the invoice the Board of Customs may, in its absolute discretion, fix by general or special order the value for duty of any coverings or containers; and in any such case duty at the rate of forty per cent. shall be paid on such value.

16. The Governor in Commission may, by Order in Commission published in the Newfoundland Gazette, ^{Reciprocal reductions in duty on fish.} remit, as he may deem equitable, the whole or any part of the duty imposed on fish imported into Newfoundland from countries making reductions in their tariff with respect to fish, fish products or other articles exported from Newfoundland to such countries.

17. In addition to the duties hereinbefore provided ^{Special duties on goods from certain countries.} to be raised, levied, collected and paid on all goods imported into Newfoundland, there shall be raised, levied, collected and paid on the goods hereinafter in this section mentioned imported into Newfoundland, from countries the fishermen of which have the privilege of taking codfish upon all parts of the coast of Newfoundland and in which countries duties are or hereafter shall be levied upon fish, or the produce of the fisheries, exported from Newfoundland to such countries, the following rates, viz:—

Flour, the barrel	\$.75
Pork, the barrel .....	.75
Butter, the one hundred pounds .....	.75
Tobacco, the one hundred pounds	5.00

Kerosene oil, the gallon .....	.05
Corn meal, the barrel .....	.25
Hay, the ton	5.00
Oats, the bushel .....	.10
Potatoes, the bushel .....	.25
Turnips, the bushel .....	.25
Cabbage, the dozen heads .....	.40
Unenumerated vegetables.....	30 per cent. ad val.

Provided always that the Governor in Commission may, at any time when it shall be made to appear to him to be in the interests of Newfoundland, by Order in Commission published in the Newfoundland Gazette, suspend the operation of this section for a limited period, the duration of the said period to be stated in the said Order in respect of all or any of the above mentioned goods.

Export duty on
herring in
certain cases.

18. In the case of any country now imposing or which may hereafter impose an import duty on herring exported from Newfoundland and imported into such country in vessels belonging to Newfoundland, when such herring may be imported into such country in vessels belonging to the same free of duty, the Governor in Commission may by Order in Commission published in the Newfoundland Gazette impose an export duty equal to the amount of duty so imposed by such country aforesaid on herring exported from Newfoundland in vessels belonging to the country where such import duty is imposed.

Coal duties,
proportion to
be appropriated
to municipali-
ties, etc.

19. (1) The Governor in Commission may direct the appropriation from time to time to the St. John's Municipal Council out of the duties collected on coal imported into the port of St. John's of the sum of seventy cents per ton in the case of bituminous coal and the sum of one dollar per ton in the case of anthracite coal.

- (2) The Governor in Commission may direct the appropriation from time to time out of the duties collected on coal consumed in the towns of Grand Bank, Fortune, Harbour Grace, Carbonear, Placentia and Heart's Content, until such towns respectively shall have been incorporated under any Act providing for the incorporation or establishment of municipalities, of such an amount as will, in the opinion of the Governor in Commission, be equal to the whole of the duties collected upon coal imported into or consumed therein. Such amount shall be paid for the use of the said towns respectively to such companies or persons as the Governor in Commission shall determine.

20. Whenever it shall appear to the Governor in Commission that it is desirable for the purpose of promoting the importation of potatoes for seed, to abrogate or reduce the duty upon potatoes for such purpose, the Governor in Commission may, by Order in Commission published in the Newfoundland Gazette, abrogate or reduce such duty for such period as may be specified in such Order.

Seed potatoes,
duty on.

21. Whenever it shall appear to the Governor in Commission that it is desirable in the interests of stock raisers to abrogate or reduce the duty on hay, the Governor in Commission may, by Order in Commission published in the Newfoundland Gazette, abrogate or reduce such duty for such period as may be specified in such Order.

Hay, duty on.

22. Whenever wood, timber, boards, planks (dressed or undressed), laths or shingles are imported into Newfoundland, the quantity and kind of the same shall be ascertained by an authorized surveyor of lumber, who shall

Lumber, survey
of for duty.

furnish to the proper officer of Customs a certificate in the form to be prescribed by the Board of Customs giving particulars of such survey. For every certificate of survey thus furnished he shall receive the sum of fifty cents.

Articles for
use in new
industries,
duty on.

23. On such articles of machinery, implements or materials as are necessary to the initiation and installation of a manufacture or industry in Newfoundland, or to be used in or in connection with such industry, there shall be levied and collected such lesser duties than those provided for in the Schedules to this Act as the Governor in Commission may from time to time fix by Order published in the Newfoundland Gazette, and each order may prescribe such conditions and regulations (if any) concerning the said importations as the Governor in Commission thinks fit: provided that the words "machinery, implements and materials" shall not include steam boilers of a kind which can be manufactured in Newfoundland or hand tools.

Reciprocal
reduction in
duty on certain
articles.

24. The Governor in Commission may by Order in Commission remit the whole or any portion of the duties imposed by this Act upon port or other wines, currants and sultana raisins, or other articles imported from the country of production into Newfoundland, when it shall appear to him that the duty on codfish, the product of Newfoundland, imported into such country, has been or will be reciprocally reduced.

Rebate on
export of
locally manu-
factured goods.

25. Upon the exportation of goods manufactured in Newfoundland, other than those mentioned in Schedule B to this Act, there may be allowed a rebate of such proportion of the duty paid on material used in the manufacture of the goods, as the Commissioner for Finance may determine.

26. Before delivery for home consumption of butter ^{Specified} substitutes, tobacco, cigars and cigarettes imported into ^{goods, marking} Newfoundland, the packages in which such goods are ^{of on importa-} contained shall be marked by the importer with the name of the article concerned and in such further manner by the imposition of distinguishing words or marks, the affixing of stamps, or otherwise as the Board of Customs may by regulation prescribe, and the cost of all such marks and stamps and of affixing the same shall be borne by the importer.

27. The delivery for consumption in Newfoundland ^{Unmarked} of any goods required to be marked or stamped in ac- ^{goods;} cordance with Section 26 of this Act before the package ^{prohibition and} containing the goods is marked or stamped as aforesaid, ^{forfeiture.} is hereby prohibited, and any such goods so delivered shall be forfeited.

28. (1) Butter substitutes, tobacco, cigars and cigar- ^{Licensing of} ettes shall not be manufactured in Newfound- ^{factories for} land except in a factory licensed for the pur- ^{goods subject} pose by the Board of Customs. ^{to Excise duty.}

(2) The Board of Customs may make regulations ^{Regulations.} prescribing the kind and class of establishment to which or in respect of which a licence may be issued for the purpose of this Act, and may prescribe the minimum number of operatives to be employed therein as a condition precedent to the grant of such a licence.

(3) Licence fees shall be payable in respect of ^{Licence fees.} such factories annually in advance on the first day of July and shall be as follows:—

For every factory employing not more than 20
operatives \$200 per annum

For every factory employing 21 to 50 operatives \$500 per annum

For every factory employing 51 to 100 operatives \$800 per annum

For every factory employing 101 or more operatives \$1,000 per annum

Factories to be bonded warehouses; regulations, marking of goods, etc.

29. Every factory licensed for the production or manufacture of butter substitutes, tobacco, cigars or cigarettes shall be deemed to be a bonded warehouse, and all the provisions of the Customs and Excise Acts for the time being in force shall apply thereto unless the Board of Customs shall otherwise prescribe. The products of manufacture therein and the ingredients of such manufacture shall be under the control of the Board of Customs. The said Board may make regulations for the control of such factories and for securing the duty on goods manufactured therein. Before delivery for consumption of any goods manufactured in such factories the packages in which such goods are contained shall be marked by the licensee with the name of the article concerned and in such further manner by the imposition of such distinguishing words or marks, the affixing of stamps or otherwise as the said Board may by regulation prescribe and the cost of all such marks and stamps and of affixing the same shall be borne by the licensee.

Unmarked goods, subject to Excise; prohibition and forfeiture.

30. The delivery from any factory licensed in accordance with Section 28 of this Act of any goods required to be marked or stamped in accordance with Section 29 of this Act before the package containing the said goods is marked or stamped as aforesaid is hereby prohibited and any goods so delivered shall be forfeited.

Excise duty; when payable.

31. The excise duty levied upon butter substitutes, tobacco, cigars and cigarettes manufactured in Newfoundland shall be payable in advance at such times as

the Board of Customs may direct, and before a permit is issued for the entry of such goods for home consumption.

32. Every establishment for the manufacture or treatment of spirituous liquors or malt liquors operated under a licence from the Board of Liquor Control shall be deemed to be a bonded warehouse; and all the provisions* of the Customs and Excise Acts for the time being shall apply thereto unless the Board of Customs shall otherwise prescribe; the products manufactured therein and the ingredients of such manufacture shall be under the control of the Board of Customs. The said Board may make regulations for the control of such establishments and for securing the duty on goods manufactured therein. Before delivery for consumption of any goods manufactured in such establishments the packages in which such goods are contained shall be marked by the licensee with the name of the article concerned and in such further manner by the imposition of such distinguishing words or marks, the affixing of stamps or otherwise as the said Board may by regulation prescribe and the cost of all such marks and stamps and of affixing the same shall be borne by the licensee.

33. (1) The owner or manager of every establishment where spirituous or malt liquors are made, handled or treated, or his authorised agent, shall, on the first Monday in every month render to the Collector of Customs an account of the spirituous or malt liquors made, or handled in, or treated at the establishment since the last preceding account, and shall make and subscribe before an officer of Customs such oath and attestation of the account as the Board of Customs may prescribe.

(2) In respect of such accidental waste and loss as arises in brewing, a deduction of six

Establishments
for manu-
facture of
spirits and
malt liquors;
control, regu-
lations;
marking of
products of.

Establishments
for manu-
facture of
spirits or
malt liquors,
rendering of
accounts.

Allowance for
waste.

per centum shall be made from the gross quantity brewed or manufactured; and the duties raised, levied or to be collected as prescribed in Schedule C, Excise Duties, Item E1401, upon Ale, Porter, or Bavarian Beer, Botanic Beer and all other small dextrinous liquors shall be paid upon the net quantity remaining.

Penalties.

34. Every person who shall commit a breach of any of the provisions of the preceding sections from 26 to 33 inclusive shall be liable on summary conviction to a penalty not exceeding four hundred dollars or treble the value of any goods which may be the subject of such breach, whichever is the greater, and in default of payment to imprisonment for a period not exceeding twelve months and the goods in respect of which such offence has been committed shall be seized and forfeited to the Crown. If the holder of a licence be convicted his licence may be forfeited and the Board of Customs may refuse to grant a licence for such period as they may determine.

Drawbacks.

35. No drawback, or refund of revenue, shall be allowed, other than those provided for in this Act, and the Customs and Excise Acts for the time being in force.

Gasolene
rebate limited
to register-
ed fishing
boats.

36. The drawback or rebate upon gasolene authorised under this Act shall be paid only in respect of gasolene used in a registered fishing boat.

Registration of
boats for
gasolene
rebates.

37. The owner of any fishing boat not being a ship or boat registered under Part I of the Merchant Shipping Act, 1894, may register such boat with the Board of Customs without charge by filling up and forwarding to the Board an application in such form as they may prescribe.

38. If, on an application made for the purposes of Gasolene this Act by the owner of a registered fishing boat, it rebates, appears to the satisfaction of the Board of Customs that conditions for claiming same the applicant has at any time within the period of nine months preceding the date of his application, or within such longer period preceding that date as the Board may in any special case allow, used any quantity of gasolene on board the boat in the prosecution of the fisheries, he shall be entitled to obtain the drawback prescribed in Schedule B hereto: Provided that—

- (a) An application for the purposes of this Act shall be made in such manner as the Board of Customs may prescribe;
- (b) No payment shall be made in respect of gasolene consumed on board a boat not owned in Newfoundland;
- (c) An applicant may be required to produce for the inspection of an officer of Customs all or any books, accounts, receipts or other documents in his possession whereby his purchase and consumption of gasolene may be verified;
- (d) An applicant may be required to procure that an officer of Customs be permitted to inspect the books and supply accounts of the applicant's supplier or suppliers for the purpose of verifying the quantity of gasolene sold or supplied to such applicant; and of verifying, from the nature of goods supplied or sold to him other than gasolene, the fact that he did actually outfit for and engage in the fishery;
- (e) A person claiming rebate as assignee of the owner of a boat, and being the supplier of the

gasolene in respect of which rebate is claimed may be required to produce for inspection his books and supply accounts for the purpose of verification as mentioned in the immediately preceding subsection;

- (f) The Board of Customs may refuse to pay any claim where access to books, accounts, receipts, or other documents is refused by the applicant or by his supplier or suppliers.

Saving of
statutory
rights.

39. This Act shall not affect in any way any right granted to any company by statute or under any contract with the Government, confirmed by statute.

Educational
films; exemp-
tion of from
Customs duty .

40. (1) No Customs duty shall be charged on the importation into Newfoundland of any cinematograph film which is certified by the Commissioner for Home Affairs and Education under this section.

- (2) A cinematograph film produced by a person established in a foreign country shall be certified by the Commissioner for Home Affairs and Education under this section if he is satisfied that the film is entitled to exemption from Customs duty under the Convention for Facilitating the International Circulation of Films of an Educational Character which was signed on behalf of His Majesty at Geneva on the eleventh day of October, nineteen hundred and thirty-three.

- (3) A cinematograph film produced by a person established in any country in the British Empire shall be certified by the Commissioner for Home Affairs and Education under this section if he is satisfied—

- (a) that the film is of an educational character, and has been certified to be of such a character by the Government of that country or by a person recognized for the purpose by that Government; and
 - (b) that the laws of that country provide for a corresponding exemption from the Customs duty on films which have been produced by a person established in Newfoundland.
- (4) A cinematograph film produced by a person established in Newfoundland shall be certified by the Commissioner for Home Affairs and Education under this section if he is satisfied that the film is of an educational character.
- (5) Where on the importation of any cinematograph film the Board of Customs is satisfied that an application has been or will be made to the Commissioner for Home Affairs and Education for a certificate under this section and—
- (a) in the case of a film produced by a person established in a foreign country, that it has been certified as being of an international educational character under Article IV of the said Convention; and
 - (b) in the case of a film produced by a person established in a country in the British Empire, that it has been certified in accordance with the provisions of paragraph (a) of subsection (3) of this section;

the Board of Customs shall, subject to such conditions as they think fit to impose for the

protection of the revenue, allow the film to be imported without payment of duty.

(6) In this section—

(a) the expression “the British Empire” means His Majesty’s Dominions outside Newfoundland including the United Kingdom and all parts of India, territories under His Majesty’s protection, territories in respect of which a mandate of the League of Nations is being exercised by the Government of the United Kingdom, and territories in respect of which a mandate of the League of Nations is being exercised by the Government of any Dominion within the meaning of the Statute of Westminster, 1931.

(b) the expression “cinematograph film” means a developed negative or positive cinematograph film and includes both a gramophone record or other form of sound reproduction complementary to such a film and a developed negative or positive sound tract;

and for the purposes of this section a person carrying on business shall be deemed to be established in the country in which his principal place of business is situated and any other person shall be deemed to be established in the country in which he is resident.

Repeal.

41. The Acts mentioned in Schedule F of this Act are hereby repealed, as from midnight on the 31st day of December, 1938, to the extent shown in the third column of this Schedule.

42. This Act shall come into operation at midnight Date of coming
on the 31st day of December, 1938. into operation.

43. This Act may be cited as the Revenue Act, 1939. Short title.

SCHEDULE F.

Enactments Repealed

Session or Chapter	Title or Short Title	Extent of Repeal
1. Act No. 42 of 1934.	The Revenue Act, 1935.	The Whole Act.
2. Act No. 57 of 1934.	An Act to amend the Revenue Act, 1935.	The Whole Act.
3. Act No. 6 of 1935.	An Act to amend the Revenue Act, 1935.	The Whole Act.
4. Act No. 9 of 1935.	An Act further to the Revenue Act, 1935.	The Whole Act.
5. Act No. 19 of 1935.	The Revenue (Gasoline Rebates) Act, 1935.	The Whole Act.
6. Act No. 28 of 1935.	An Act further to amend the Revenue Act, 1935.	The Whole Act.
7. Act No. 43 of 1935.	An Act further to amend the Revenue Act, 1935.	The Whole Act.
8. Act No. 5 of 1936.	An Act further to amend the Revenue Act, 1935.	The Whole Act.
9. Act No. 7 of 1936.	An Act further to amend the Revenue Act, 1935.	The Whole Act.
10. Act No. 34 of 1936.	An Act further to amend the Revenue Act, 1935.	The Whole Act.
11. Act No. 1 of 1937.	An Act to amend the Revenue (Gasoline Rebates) Act, 1935.	The Whole Act.
12. Act No. 9 of 1937.	An Act further to amend the Revenue (Gasoline Rebates) Act, 1935.	The Whole Act.

SCHEDULE F.—(continued)**Enactments Repealed**

Session or Chapter	Title or Short Title	Extent of Repeal
13. Act No. 17 of 1937.	An Act further to amend the Revenue Act, 1935.	The Whole Act.
14. Act No. 10 of 1938.	An Act further to amend the Revenue Act, 1935.	The Whole Act.
15. Act No. 28 of 1938.	An Act further to amend the Revenue Act, 1935.	The Whole Act.
16. Act No. 33 of 1938.	An Act further to amend the Revenue Act, 1935.	The Whole Act.
17. Act No. 40 of 1938.	An Act further to amend the Revenue Act, 1935.	The Whole Act.

SCHEDULE A.

GOODS SUBJECT TO DUTY AND FREE GOODS

GROUP 1.—FOOD, DRINK AND TOBACCO

A.—Grain and Flour

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
1	Wheat, for seed purposes		Free	Free	Free
2	Whole wheat, for grinding or milling		Free	Free	Free
3	Barley, when imported for seed..		Free	Free	Free
4	Barley, for brewing	ad. val.	15%	15%	15%
5	Barley, pearled, including weight of immediate package	per lb.	\$0.01	\$0.01	\$0.01
6	Oats, including weight of immedi- ate package	per bushel	\$0.05	\$0.05	\$0.05
7	Buckwheat, for seed		Free	Free	Free
8	Rye, for seed		Free	Free	Free
9	Peas, dried, including weight of immediate package	per 100 lbs.	\$1.00	\$1.00	\$1.00
10	Beans and lentils, including weight of immediate package	per 100 lbs.	\$1.00	\$1.00	\$1.00
11	Maize or Indian corn, whole, in- cluding weight of immediate package	per 100 lbs.	\$0.10	\$0.10	\$0.10
12	Malt	ad. val.	18%	18%	18%
13	Rice, cleaned, including weight of immediate package	per 100 lbs.	\$1.00	\$1.00	\$1.00
14	Rice, uncleaned or refuse	ad. val.	15%	15%	15%
15	Wheat meal and flour		Free	Free	Free
16	Oatmeal and rolled oats, when im- ported in packages containing 7 lbs. or over, including weight of immediate package	per 100 lbs.	\$0.50	\$0.50	\$0.50

GROUP 1.—FOOD, DRINK AND TOBACCO—Contd.

A. Grain and Flour—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter-mediate.	Prefer-ential.
17	Maize meal or Indian corn meal, bolted or granulated, including weight of immediate package ..	per 100 lbs.	\$0.12½	\$0.12½	\$0.12½
18	Meal and flour of other kinds, N.E.S.	per lb.	\$0.02	\$0.02	\$0.02
19	Animal and poultry feeds, including weight of immediate package. Offals of corn and grain, oil cake, oil cake meal, cotton seed cake, cotton seed meal, pease meal, bran. Other preparations of corn and grain for cattle feeding. Dog biscuits. Chicken feed	per 100 lbs.	\$0.10	\$0.10	\$0.10
20	Farinaceous preparations (proprietary and otherwise), rice flour, sago, tapioca, corn flour, farina, dextrine and potato flour, etc., except starch	ad. val.	40%	40%	40%

B. Meat, including Animals for Food

26	Oxen and Bulls, N.O.P.	ad. val.	30%	30%	30%
27	Cows, N.O.P.	ad. val.	30%	30%	30%
28	Calves, N.O.P.	each	\$2.00	\$2.00	\$2.00
29	Sheep, N.O.P.	each	\$2.00	\$2.00	\$2.00
30	Pigs under three months of age ..		Free	Free	Free
31	Swine, N.E.S. and N.O.P.	each	\$2.50	\$2.50	\$2.50
32	Fresh meat, N.E.S.	per lb.	\$0.04	\$0.04	\$0.04
33	Fresh liver and beef trimmings ..	per lb.	\$0.01½	\$0.01½	\$0.01½
34	Poultry and game, dead	per lb.	\$0.07	\$0.07	\$0.07
35	Poultry, live, N.O.P.	ad. val.	35%	35%	35%

GROUP 1.—FOOD, DRINK AND TOBACCO—Contd.

B. Meat, including Animals for Food—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter-mediate.	Prefer-ential.
36	Sausages, N.E.S., including those known as black puddings	per lb.	\$0.06	\$0.06	\$0.06
37	Sausages, Bologna	per lb.	\$0.01½	\$0.01½	\$0.01½
38	Beef, salted, in barrels	per brl.	\$1.55	\$1.55	\$1.55
39	Pork, salted, including heads, jowls, tongues, etc., in barrels or half-barrels	per brl.	\$1.55	\$1.55	\$1.55
40	Hams, bacon or bellies, tongues and beef, smoke cured, cooked or not	per lb.	\$0.06	\$0.06	\$0.06
41	Hams and tongues, dry salted or pickled	per lb.	\$0.04	\$0.03	\$0.03
42	Meats, bacon or bellies, dry salted or pickled, N.E.S.	per lb.	\$0.02	\$0.02	\$0.02
43	Cooked meat specialties, not hermetically sealed	per lb.	\$0.04	\$0.04	\$0.04
44	Canned meats, hermetically sealed, known as C.C. beef, corned beef, corned beef hash, boiled beef, luncheon beef, roast beef, roast mutton, boiled mutton and brawn, including the weight of immediate coverings	per lb.	\$0.02	\$0.02	\$0.02
45	All other meats, hermetically sealed in glass, cans or otherwise, N.E.S.	ad val.	40%	40%	40%

C. Other Food and Drink (and certain Non-Potable Spirits)

51	Aerated and mineral waters and non-alcoholic drinks	ad. val.	65%	65%	65%
52	Beer, ale and porter	per gal.	\$1.25	\$1.25	\$1.25
53	Ships' biscuits	per cwt.	\$0.15	\$0.15	\$0.15

GROUP 1.—FOOD, DRINK AND TOBACCO—Contd.

C. Other Food and Drink (and certain Non-Potable Spirits)—contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter-mediate.	Prefer-ential.
54	Soda, water, butter, pilot biscuits, and all unsweetened biscuits ..	per lb.	\$0.04	\$0.04	\$0.04
55	Biscuits and bread, N.E.S.	ad val.	60%	60%	60%
56	Cake, N.E.S.	per lb.	\$0.12	\$0.12	\$0.12
57	Bladders, casings and sausage skins	ad val.	12%	12%	12%
58	Butter, N.E.S.	per lb.	\$0.08	\$0.08	\$0.08
59	Butterine, oleomargarine and similar substitutes for butter . . .	per lb.	\$0.07	\$0.07	\$0.07
60	Cheese, N.E.S.	per lb.	\$0.03	\$0.03	\$0.03
61	Cheese in crocks, including cost of crock	ad val.	60%	60%	60%
62	Chicory, raw or green	per lb.	\$0.06	\$0.06	\$0.06
63	Chicory, kiln dried, roasted or ground	per lb.	\$0.07	\$0.07	\$0.07
64	Cider and perry	per gal.	\$0.40	\$0.40	\$0.40
65	Cocoa and chocolate, cocoa shells and nibs, ground or prepared ..	per lb.	\$0.09½	\$0.09½	\$0.09½
66	Cocoa butter, and all similar substances and substitutes therefor	per lb.	\$0.05	\$0.05	\$0.05
67	Coffee, green	per lb.	\$0.09	\$0.09	\$0.07
68	Coffee, roasted or ground, including preparations or mixtures to resemble coffee	per lb.	\$0.12	\$0.12	\$0.10
69	Extracts of coffee of all kinds . . .	ad val.	55%	55%	55%
70	Eggs in the shell, N.E.S.	per doz.	\$0.10	\$0.10	\$0.10
71	Fish—fresh, N.O.P., such as—cod, halibut, haddock, hake, ling ..	per cwt.	\$1.50	\$1.50	\$1.50
72	Fish of any description, salted or dried, N.O.P.	per cwt.	\$2.25	\$2.25	\$2.25

GROUP 1.—FOOD, DRINK AND TOBACCO—Contd.

C. Other Food and Drink (and certain Non-Potable Spirits)—contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter-mediate.	Preferential.
73	Fish, smoked or boneless, N.O.P. . .	ad val.	60%	60%	60%
74	Anchovies, sardines, oysters, clams, lobsters, and all fish prepared, preserved, or packed in oil or otherwise, N.E.S. and N.O.P., and all other articles the product of the fisheries not specially provided for	ad val.	60%	60%	60%
75	Fish of British catch and cure, other than canned or hermetically sealed goods, and oil, the produce of such fish (not to include preparations of cod liver oil)		Free	Free	Free
	Fruit,—raw:—				
76a	Apples		Free	Free	Free
76b	Bananas		Free	Free	Free
	Fruit,—raw:—				
77	Oranges, melons, pumpkins, lemons, limes, grapes, grape fruit, peaches, pears, plums, apricots, cherries, gooseberries, currants, strawberries, pineapples, pomegranates, guava, shaddocks, mangoes, and similar green fruits. .		Free	Free	Free
78a	Dried fruits, (other than dates); currants and dried raisins, N.E.S.	per lb.	\$0.03	\$0.02	\$0.02
78b	Dates, fruit pastes, fruit otherwise preserved, N.E.S. and N.O.P.	per lb.	\$0.03	\$0.03	\$0.03
79	Prunes, figs and fig cake		Free	Free	Free

GROUP I.—FOOD, DRINK AND TOBACCO.—Contd.

C. Other Food and Drink (and certain Non-Potable Spirits)—contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter-mediate.	Prefer-ential.
80a	Currants and sultana raisins when purchased by the importer in Greece and imported therefrom, during the continuance of the Agreement between the United Kingdom and Greece		Free	Free	Free
80b	Natural-dried sultana type raisins, otherwise known as Natural Thompson's Seedless Raisins, in bulk or in packages	per lb.	\$0.03	Free	Free
81	Candied peel	per lb.	\$0.07	\$0.07	\$0.07
82	All candied, crystalized or glace fruits, including angelica and ginger, N.E.S.	per lb.	\$0.12	\$0.12	\$0.12
83	Fruit, canned, bottled or otherwise preserved, N.E.S., including ginger in syrup	ad val.	40%	40%	40%
84	Juices of limes, lemons, etc., containing less than 2% of proof spirits when imported in containers of not less than one gallon capacity	ad val.	33%	33%	33%
85	Fruit juices, fruit syrups, and fruit essences imported in containers of less than one gallon capacity, N.E.S.	ad val.	35%	35%	35%
86	Nuts, viz. : Almonds, walnuts, brazil nuts, peanuts, pecans, filberts, hickory, and other kinds of ediole nuts	per lb.	\$0.06	\$0.06	\$0.06
87	Nuts, shelled	per lb.	\$0.12	\$0.12	\$0.12
88	Cocoanuts, N.E.S.	per 100	\$1.80	\$1.80	\$1.80
89	Cocoanuts, when imported from place of growth by vessel direct to a Newfoundland port	per 100	\$0.75	\$0.75	\$0.75

GROUP 1.—FOOD, DRINK AND TOBACCO—Contd.

C. Other Food and Drink (and certain Non-Potable Spirits)—contd.

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Inter-mediate.	Prefer-ential.
90	Cocoanut, desiccated, sweetened or not	per lb.	\$0.06	\$0.06	\$0.02
91	Hops	ad val.	20%	20%	20%
92	Isinglass, jelly powders and tablets, calves' feet jelly, and such like preparations; crystals and powders for making lemonade and similar beverages	ad val.	60%	60%	60%
93	Lard, lard compound, and similar substances, cottolene and stearine of all kinds, N.E.S.	ad val.	50%	30%	30%
94	Milk and cream, preserved, sterilized or condensed; and milk powders, including the weight of immediate coverings	er lb.	\$0.02½	\$0.02½	\$0.02½
95	Milk foods and like preparations made with or without added sugar or sweetening matter (other than saccharin)	ad val.	45%	45%	35%
	Oils, refined, edible:—				
96	Cocoanut, cotton seed, olive, palm, sesame, N.E.S.	ad val.	33%	33%	33%
97	Cocoanut, cotton seed, olive, palm, sesame, N.E.S., when imported in bottles	ad val.	60%	60%	60%
98	Pickles and vegetables, preserved in salt or vinegar	ad val.	60%	60%	60%
99	Salt, smoked, table and dairy, N.E.S.	ad val.	23%	23%	23%
100	Sauces and condiments unenumerated, sweetened or unsweetened, including soy or chutney	ad val.	40%	40%	40%
101	Soups of all kinds in packages hermetically sealed	ad val.	60%	60%	60%

GROUP I.—FOOD, DRINK AND TOBACCO.—Contd.

C. Other Food and Drink (and certain Non-Potable Spirits)—contd.

Item No.	Class or Description of Goods.	Rates of Duty		
		Full	Inter-mediate.	Prefer-ential.
102	Spices:— Cinnamon, ginger, pepper, mustard, nutmegs, mace, caraway and all other spices	ad val.	40%	40%
103	Spirits of any description, N.E.S., wood naphtha or methyl alcohol, denatured or methylated spirits, perfumes, essences, toilet preparations, medicinal and pharmaceutical preparations of all kinds, N.E.S., containing over 30% of alcohol by volume	ad val.	65%	65%
104	Preparations as specified in the immediately preceding item containing not more than 30% of alcohol by volume	ad val.	55%	55%
105	Alcohol N.O.P.	per proof gallon	\$5.80	\$5.80
106	Brandy, including artificial brandy and imitations thereof	per proof gallon	\$7.30	\$7.30
107	Whiskey	per proof gallon	\$6.80	\$6.80
108	Gin of all kinds	per proof gallon	\$5.80	\$5.80
109	Rum	per proof gallon	\$5.40	\$5.40
110	Cordials, liquors and shrubs of all kinds	per proof gallon	\$5.90	\$5.90
110a	Angostura bitters	per proof gallon	\$5.90	\$2.90
111	Whiskey, brandy, gin, rum, and other spirituous liquors, not including pure alcohol, when brought into Newfoundland in transit from some place outside Newfoundland, upon the importation thereof	per gal.	\$0.12½	\$0.12½

GROUP 1.—FOOD, DRINK AND TOBACCO—Contd.

C. Other Food and Drink (and certain Non-Potable Spirits)

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter-mediate.	Prefer-ential.
112	Wines as specified in Items 139-150 of this Schedule, cordials, ales and beers, perry and cider, and pure alcohol, N.E.S., when brought into Newfoundland in transit from some place outside Newfoundland, upon the importation thereof	per gal.	\$0.20	\$0.20	\$0.20
113	Alcohol, pure, in metal containers when brought into Newfoundland in transit from some place outside Newfoundland, upon the importation thereof	per gal.	\$0.05	\$0.05	\$0.05
	Sugars:—				
114	Loaf, cut loaf, cube, caster and powdered or icing, N.E.S.	per lb.	\$0.05	\$0.05	\$0.05
115	Sugar, N.E.S.	per lb.	\$0.03¼	\$0.03¼	\$0.03¼
116	Sugar, brown or yellow, when imported direct or in bond from the British West Indies	per lb.	\$0.01¼	\$0.01¼	\$0.01¼
117	Sugar candy and all confectionery, N.E.S., including almond paste and ground sweet almonds, sweetened gums, liquorice confectionery and pop corn, costing at the place of shipment less than \$0.18 per lb.	ad val. per lb.	45% \$0.05	45% \$0.05	35% \$0.05
118	Confectionery as specified in the immediately preceding item costing at the place of shipment \$0.18 per pound and over \$0.18 per pound	ad val. per lb.	40% \$0.01	40% \$0.01	30% \$0.01

GROUP 1.—FOOD, DRINK AND TOBACCO.—Contd.

C. Other Food and Drink (and certain Non-Potable Spirits)—contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter-mediate.	Prefer-ential.
119	Confectionery, in bars or packages to be sold at a retail price of five cents per bar or package.	per 24 bars or packages per lb.	\$0.14½ \$0.02½	\$0.14½ \$0.02½	\$0.08½ \$0.02½
		per 24 bars or packages which ever is the greater	\$0.20	\$0.20	\$0.14
120	Confectionery, when imported in fancy packages of commercial value, the value of the package to be included for duty	ad val.	60%	60%	50%
121	Chewing gum of all kinds	ad val.	65%	65%	65%
122	Honey, in the comb or otherwise, and imitations thereof	ad val.	40%	40%	40%
123	Jams and jellies of fruit, and preserves, N.E.S.	per lb.	\$0.08	\$0.08	\$0.06
124	Marmalade	per lb.	\$0.08	\$0.08	\$0.06
125	Maple sugar, maple syrup, syrups and molasses of all kinds, N.E.S.	ad val.	60%	60%	60%
126	Molasses, produced in the British West Indies, in the process of the manufacture of cane sugar from the juice of the cane, when imported in the original package in which it was placed at the point of production or its shipping port and not afterwards subjected to any process of treating or mixing	per gal.	\$0.05	\$0.05	\$0.05

GROUP I.—FOOD, DRINK AND TOBACCO.—Contd.

C. Other Food and Drink (and certain Non-Potable Spirits)—contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Intermediate.	Preferential.
138	Vinegar, when imported in bottles	ad val.	60%	60%	60%
139	Wines, viz.:— Champagne	per gal.	\$12.90	\$12.90	\$12.90
140	Port and Madeira	per gal.	\$4.25	\$4.25	\$4.25
141	Sherry and Manzanilla	per gal.	\$3.40	\$3.40	\$3.40
142	Malaga and Montilla, costing at the place of shipment less than \$0.80 per gallon	per gal.	\$1.05	\$1.05	\$1.05
143	Malaga and Montilla, costing at place of shipment \$0.80 or more per gallon	per gal.	\$3.45	\$3.45	\$3.45
144	Hock, Burgundy and light Rhenish wine	per gal.	\$3.05	\$3.05	\$3.05
145	Claret	per gal.	\$1.40	\$1.40	\$1.40
146	Spanish Red, Denia, Sicilian, Figueira, Red Lisbon, Cape and common Lisbon and similar wines.	per gal.	\$0.85	\$0.85	\$0.85
147	Ginger and Vermouth wines,*containing not more than 26% of proof spirits	per gal.	\$2.15	\$2.15	\$2.15
148	Ginger and Vermouth wines, containing over 26% of proof spirits	per gal.	\$5.55	\$5.55	\$5.55
149	All other wines, N.O.P.	per gal.	\$3.45	\$3.45	\$5.45
150	Sacramental wines		Free	Free	Free
151	Yeast, yeast cakes, compressed yeast	ad val.	50%	50%	50%
152	Baking Powders	per lb.	\$0.10	\$0.10	\$0.10
153	All other foodstuffs, N.E.S., and N.O.P.	ad val.	50%	50%	50%

GROUP I.—FOOD, DRINK AND TOBACCO.—Contd.

C. Other Food and Drink (and certain Non-Potable Spirits)—contd.

Item No.	Class or Description of Goods.	Rates of Duty		
		Full	Inter-mediate.	Preferential.

D. Tobacco

161	Tobacco, manufactured for pipe smoking only	per lb. ad val.	\$0.41 18%	\$0.41 18%	\$0.41 18%
162	Tobacco, manufactured, commonly used in making cigarettes or for both pipe and cigarette smoking.	per lb.	\$1.03	\$1.03	\$1.03
163	Cigars, manufactured	per lb.	\$3.70	\$3.70	\$3.70
164	Cigarettes, manufactured	per lb.	\$4.50	\$4.50	\$4.50
165	Snuff, manufactured	per lb.	\$0.80	\$0.80	\$0.80
166	Tobacco leaf, stripped and partly manufactured	ad val. per lb.	18% \$0.55	18% \$0.55	18% \$0.55
167	Tobacco leaf, unstemmed	ad val. per lb.	8% \$0.55	8% \$0.55	8% \$0.55

GROUP II.—RAW MATERIALS AND ARTICLES MAINLY UNMANUFACTURED

A. Coal, Coke and Manufactured Fuel.

Coal:—					
171	Known as anthracite when brought into or imported into the port of St. John's	per ton	\$1.75	\$1.75	\$1.75
172	All other descriptions of coal, N.E.S., when brought into or imported into the port of St. John's	per ton	\$1.05	\$1.05	\$1.05
173	When brought into or imported into the port of Carbonear . .	per ton	\$0.85	\$0.85	\$0.85
174	When brought into or imported into the port of Harbour Grace.	per ton	\$0.85	\$0.85	\$0.85

**GROUP II.—RAW MATERIALS AND ARTICLES MAINLY
UNMANUFACTURED**

A. Coal, Coke and Manufactured Fuel—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
175	When brought into or imported into the port of Heart's Content	per ton	\$0.85	\$0.85	\$0.85
176	When brought into or imported into the port of Placentia	per ton	\$0.85	\$0.85	\$0.85
177	When brought into or imported into the port of Bell Island . .	per ton	\$0.85	\$0.85	\$0.85
178	When brought into or imported into any other port or place in Newfoundland	per ton	\$0.52	\$0.52	\$0.52
179	Coke, N.E.S.	per ton	\$2.50	\$2.50	\$2.50
180	Manufactured fuel	ad val.	65%	65%	65%

B. Ores and Scrap.

181	Ores to be used as flux	ad val.	25%	25%	25%
182	All other ores		Free	Free	Free
183	Scrap iron and steel and other scrap metal (old), fit only to be re-manufactured, being part of or recovered from any vessel wrecked in waters subject to the jurisdiction of Newfoundland . .		Free	Free	Free
184	Old iron and steel, old copper and old composition metal and junk	ad val.	25%	25%	25%

C. Wood and Timber.

191	Timber , squared or partly squared, measuring 5 inches square and over, N.E.S., and not to include mast pieces or wharf shores or logs undressed	per 40 cubic feet	\$2.30	\$2.30	\$2.30
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GROUP II.—RAW MATERIALS AND ARTICLES MAINLY
UNMANUFACTURED—Contd.

C. Wood and Timber—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter-mediate.	Prefer-ential.
192	Lumber, viz., boards and planks, 1 inch in thickness, and so in proportion for any greater or lesser thickness, N.E.S.	per M. feet	\$8.25	\$8.25	\$8.25
193	Lumber, boards and planks, grooved, tongued or dressed, plywood (including lamin board, black-board and baton board) and veneers, 1 inch in thickness and so in proportion for any greater or lesser thickness	per M. feet	\$11.50	\$11.50	\$11.50
194	Oak, beech, pitch-pine, Douglas fir, elm, maple, greenheart, iron-wood lumber, under 5 inches square, N.E.S.	per M. feet	\$5.65	\$5.65	\$5.65
195	Laths and shingles	per M.	\$1.15	\$1.15	\$1.15
196	Lignum Vitae		Free	Free	Free
197	Casings, copings and lockings, for timbers of dories	ad val.	23%	23%	23%
198	Wood fibre board, wall board, and similar manufactures	ad val.	30%	30%	30%
199	Round timber, viz. :— Dressed or partly dressed, 50 feet or over in length, N.E.S. . . .	ad val.	30%	30%	30%
200	Dressed or partly dressed, under 50 feet in length, N.E.S. . . .	ad val.	50%	50%	50%
201	Undressed, 50 feet or over in length, including wharf shores, N.E.S.	ad val.	20%	20%	20%
202	Undressed, under 50 feet in length, including wharf shores, N.E.S.	ad val.	30%	30%	30%
203	Staves of oak, undressed	ad val.	15%	15%	15%
204	Staves of all other wood, undressed, and hoops for coopers' use . . .	ad val.	45%	45%	45%

**GROUP II.—RAW MATERIALS AND ARTICLES MAINLY
UNMANUFACTURED—Contd.**

C. Wood and Timber.—Contd.

Item No.	Class or Description of Goods.	Rates of Duty		
		Full	Inter- mediate.	Prefer- ential.
205	Staves, manufactured and dressed, or partly manufactured and dressed per 1,200	\$11.60	\$11.60	\$11.60
206	Staves, second-hand, to make casks of 45 gallons and upwards per 120	\$8.25	\$8.25	\$8.25
207	Staves, second-hand, to make casks under 45 gallons per 120	\$1.20	\$1.20	\$1.20
208	Heading, for cooper's use per pair	\$0.10	\$0.10	\$0.10

D. Cotton.

211	Cotton, raw	Free	Free	Free
212	Cotton waste or rags for use as waste ad val.	35%	35%	35%

E. Wool.

216	Wool—sheep or lambs, Alpaca, Vicuna and Llama, Mohair (An- gora goats' hair), Camels' hair.	Free	Free	Free
217	Woollen rags, viz.:—shoddy or mungo wool, waste and wool noils ad val.	35%	35%	35%

F. Other Textile Materials.

221	Coir fibre	Free	Free	Free
222	Flax, dressed or undressed, flax tow or codilla hemp, dressed or undressed, hemp tow or codilla, vegetable substances applicable to uses of hemp or flax and manilla	Free	Free	Free
223	Waste jute or silk ad val.	35%	35%	35%

GROUP II.—RAW MATERIALS AND ARTICLES MAINLY
UNMANUFACTURED—Contd.

G. Oils, Fats and Gums.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter-mediate.	Prefer-ential.
225	Gasolene and motor spirit of all grades when imported or brought into the undermentioned ports in the Avalon Peninsula or such other ports as the Commissioner for Finance may from time to time determine, viz. :— St. John's, Bay Bulls, Cape Broyle, Ferryland, Trepassey, St. Mary's, Argentia, Holyrood, Bell Island, Bay Roberts, Harbour Grace, Carbonear and Old Perlican	per gal.	\$0.13	\$0.13	\$0.13
226	Gasolene and motor spirit of all grades, when imported or brought into ports other than ports enumerated in the immediately preceding item	per gal.	\$0.11	\$0.11	\$0.11
227	Kerosene oil and all illuminating oils	per gal.	\$0.09	\$0.09	\$0.09
228	Naphthas, N.E.S., for manufacturing purposes and cleaners' solvents	per gal.	\$0.04	\$0.04	\$0.04
229	Crude petroleum and fuel oil . . .	per gal.	\$0.01	\$0.01	\$0.01
230	Lubricating oil, when imported in bottles, tins or other packages, each holding less than one gallon	ad val.	45%	45%	45%
231	Lubricating oils, N.E.S.	per gal.	\$0.15	\$0.15	\$0.15
232	Grease, tallow, stearine and animal fat, not manufactured or prepared, N.E.S.	ad val.	35%	35%	35%
233	Linseed or flaxseed oil, raw or boiled, spirits of turpentine, and substitutes therefor and like oils for use in manufacturing, N.E.S.	ad val.	30%	30%	20%

GROUP II.—RAW MATERIALS AND ARTICLES MAINLY
UNMANUFACTURED—Contd.

G. Oils, Fats and Gums—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
234	Neat's-foot oil, axle and other prepared grease	ad val.	40%	40%	40%
235	Spermaceti, whale and fish oils, N.O.P.	ad val.	40%	40%	40%
236	Wax, bees and paraffin, N.E.S. . . .	ad val.	40%	40%	40%
237	Wax, paraffin, solid or chipped, when imported in barrels or bags containing not less than 100 lbs.	ad val.	15%	15%	15%

H. Hides and Undressed Skins.

241	Hides, raw, wet or dried		Free	Free	Free
242	Skins and furs of all kinds, undressed		Free	Free	Free

I. Materials for Paper Making.

246	Linen and cotton rags, esparto and other vegetable fibres		Free	Free	Free
247	Pulp of wood, mechanical, wet or dry		Free	Free	Free
248	Wire screens, for pulp and paper machines		Free	Free	Free
249	Felt, for pulp and paper machines.		Free	Free	Free

J. Miscellaneous.

256	Asbestos shingles	ad val.	40%	40%	40%
257	Asbestos and all manufactures thereof, N.E.S.	ad val.	40%	40%	40%
258	Asphalt and asphaltum and like preparations	ad val.	28%	28%	18%
259	Clay, known as fire clay		Free	Free	Free

GROUP II.—RAW MATERIALS AND ARTICLES MAINLY
UNMANUFACTURED—Contd.

J. Miscellaneous—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
260	Rubber, unmanufactured or partly manufactured		Free	Free	Free
261	Cork, corkwood, unmanufactured ..	ad val.	20%	20%	20%
262	Feathers, for beds and pillows ..	per lb.	\$0.12	\$0.12	\$0.12
263	Flagstones, freestones, sandstone and all building stones, undress- ed or not hammered or dressed, N.E.S.; marble and granite, rough and not hammered or dressed	ad val.	25%	25%	25%
264	Freestone, marble and granite, N.E.S.	ad val.	25%	25%	25%
265	Flowers, fresh	ad val.	25%	25%	25%
266	Glue stock	ad val.	40%	40%	40%
267	Hair, N.E.S.	ad val.	40%	40%	40%
268	Hay	per ton 2,000 lbs.	\$4.75	\$4.75	\$4.75
269	Horns, tips, etc.		Free	Free	Free
270	Ice		Free	Free	Free
271	Limestone	per ton	\$0.70	\$0.70	\$0.70
272	Lime (oxide of calcium)	per bushel	\$0.30	\$0.30	\$0.30
273	Manures and fertilizers—basic slag, bones, guano, nitrate of soda, phosphate of lime, rock phos- phate, and manures and fer- tilizers unenumerated, provided they are not manufactured in Newfoundland		Free	Free	Free

GROUP II.—RAW MATERIALS AND ARTICLES MAINLY
UNMANUFACTURED—Contd.

J. Miscellaneous—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
274	Moss litter for carriage and furniture manufacturers. Peat moss litter for poultry	ad val.	30%	30%	30%
275	Pitch, resin and rosin	ad val.	25%	25%	25%
276	Plants, trees and shrubs, N.E.S. ..	ad val.	20%	20%	20%
277	Fruit-bearing trees, bushes and plants		Free	Free	Free
278	Plumbago	ad val.	40%	40%	40%
279	Sand		Free	Free	Free
280	Seed, viz., flower and garden seeds, N.O.P.		Free	Free	Free
281	Straw		Free	Free	Free
282	Tar, Stockholm, American or coal, and tar mixtures. Creosote and all preparations of creosote, N.E.S.	ad val.	30%	30%	20%
283	Other raw materials and articles mainly unmanufactured, N.E.S. and N.O.P.	ad val.	40%	40%	40%

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED.

A. Iron and Steel and Manufactures thereof.

301	Pig iron and ferro alloys, for foundry use		Free	Free	Free
302	Iron and mild steel, including galvanized iron and mild steel in bars, strips, sheets; plates and pieces, N.E.S.; steel wool, bucket bottoms, and bucket ears not galvanized	ad val.	22%	22%	12%

**GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.**

A. Iron and Steel and Manufactures thereof—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
303	Iron and steel railway bars, or rails of any form, punched or not, railway fish plates, including bolts for same, switches, frogs, crossings and intersections for railway, railway wheels and axles (complete); iron or steel fittings of any description, N.E.S.	ad val.	50%	50%	40%
304	Iron or steel bridges or parts thereof; iron or steel structural work, including bolts and fasteners specially manufactured to fit the same; columns, girders, shapes or sections, outside coverings for buildings, corrugated metal sheets, steel or metal laths, metal shingles and ceiling coverings	ad val.	40%	40%	40%
305	Iron and steel pipe or tubing and fittings for same, plain or galvanized, riveted, corrugated or otherwise specially manufactured, threaded or coupled and not. Iron and steel wire. N.E.S.	ad val.	40%	40%	30%
306	Cast iron pipes, and fittings for same	ad val.	50%	50%	50%
307	Hoop iron and steel strips, punched, splayed, nosed, or not for making hoops	ad val.	15%	15%	15%
308	Forgings of iron and steel, of whatever shape, size, or stage of manufacture, (including ships' propellers) when weighing under 5 cwt., N.E.S.	ad val.	50%	50%	50%
309	Forgings of iron and steel (including ships' propellers) when weighing 5 cwt. and over	ad val.	22%	22%	22%

**GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.**

A. Iron and Steel and Manufactures thereof—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
310	Tubes of wrought iron or steel, for boilers, including smoke stacks, flues and corrugated tubes for marine boilers	ad val.	30%	30%	30%
311	Boiler and ships' plates, when of a thickness of one-quarter of an inch or over that thickness . .	ad val.	20%	20%	20%
312	Fencing of iron or steel	ad val.	50%	50%	50%
313	Anchors, grapnels, coil chains not cut into lengths ready for use, coil chain links and chain shackles.	ad val.	22%	22%	12%
314	Wire rope, and shackles for same..	ad val.	22%	22%	22%
315	Wire and manufactures wholly or mainly of wire, N.E.S.	ad val.	60%	60%	60%
316	Iron or steel nuts, washers, rivets, N.E.S.; bolts with or without threads, nut bolts	ad val.	60%	60%	60%
317	Rivets for boiler and ships' plates, Coopers' and tinsmiths' rivets, N.E.S.	ad val.	35%	35%	35%
318	Stoves for burning coal or wood, and parts thereof	ad val.	60%	60%	50%
319	Iron bedsteads, including spring mattresses and parts thereof . .	ad val.	60%	60%	50%
320	Manufactures of galvanized iron and sheet steel, N.O.P.	ad val.	60%	60%	50%
321	Steel commonly known as cast steel, including all special steels; shafting, turned, cold rolled or polished, when measuring 5 inches or under in diameter, N.E.S.	ad val.	25%	25%	25%

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.

A. Iron and Steel and Manufactures thereof—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
322	Shafting, rough or finished, turned, cold rolled, or polished, when measuring over 5 inches in diameter, N.E.S.	ad val.	22%	22%	22%
323	Cabinet wares of iron, steel or other metals, for house, office or store	ad val.	60%	60%	50%

B. Other Metals and Manufactures thereof.

331	Lead in bars or sheets	d val.	30%	30%	30%
332	Manufactures wholly or mainly of brass or bronze, N.E.S., including rivets and wire	d val.	60%	60%	50%
333	Manufactures wholly or mainly of copper, N.E.S.	d val.	60%	60%	60%
334a	Manufactures wholly or mainly of lead, N.E.S.	d val.	60%	60%	60%
334b	Manufactures wholly or mainly of aluminium, N.E.S.	d val.	60%	60%	60%
335	Leaf of gold, silver, aluminium or other metals, bronze powders and gold liquid paint.	ad val.	60%	60%	60%
336	Manufactures of gold or silver, N.E.S., silver, pewter, nickel-plated, gilt or electroplated ware of all kinds. Manufactures of nickel, nickel silver, Nevada or German silver, not plated	ad val.	65%	65%	65%
337	Platinum and quicksilver	ad val.	65%	65%	65%

**GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.**

B. Other Metals and Manufacturers T hereof—contd.

Item No.	Class or Description of Goods.	Rates of Duty			
		Full	Inter- mediate.	Prefer- ential.	
338	Aluminium, copper, tin, zinc, brass, bronze, British and Britannia metals, nickel, in bars, blocks, ingots, sheets and slabs. Babbitt metal, type metal, phosphor tin, phosphor bronze in blocks, bars, plates, sheets and wire, rods of bronze, or other metals for welding purposes, and tin pieces, known as tin chaplins, N.O.P.; spelter and solder. N.E.S.	ad val.	20%	20%	10%
339	Stamped tin and tin parts used in the manufacture of trunks. Metal parts for coffins and caskets. Silver composition metal used in the manufacture of jewellery and plated ware	ad val.	40%	40%	40%
340	Manufactures of tin, N.E.S., and tinware, plain, japanned or lithographed	ad val.	60%	60%	50%
341	Cans of tin or other metal imported in a manufactured state for putting up hermetically sealed goods, including the packages in which imported	ad val.	55%	55%	55%
342	Manufactures of metal, N.E.S. . .	ad val.	60%	60%	50%

C. Cutlery, Hardware, Implements (except Machine Tools) and Instruments.

351	Clocks and parts thereof, watches, watch cases, clock and watch keys, watch glasses, watch movements and parts	ad val.	60%	60%	60%
352	Fish hooks, not including hooks or fly hooks for anglers.		Free	Free	Free

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.

C. Cutlery, Hardware, Implements, etc.—Contd.

Item No.	Class or Description of Goods.	Rates of Duty			
		Full	Inter- mediate.	Prefer- ential.	
353	Axes , saws of all kinds, N.E.S.; adzes, cleavers, hatchets, hammers and tools of all kinds, edged or not, for hand use, N.E.S., including bench machines, wedges, sledges, crow-bars, cant-dogs, track tools, picks and eyes, wrenches and pliers of all kinds; shovels and spades of iron and steel or other metals; wooden shovels, tool and implement handles of all kinds, N.E.S. . .	ad val.	10%	10%	Free
354	Anvils , vices, files and rasps, rules of all kinds, N.E.S.; mallets and gauges, smiths' bellows, horse shoes, diamonds for glaziers' use, glass cutters and emery . .	ad val.	10%	10%	Free
355	Knives , table and other cutlery (plated or not), shears, scissors, erasers, lamp shears, razors, trimmers or clippers of all kinds, N.E.S.	ad val.	60%	60%	50%
356	Safes and doors for vaults, ice ploughs, fire extinguishers, flat irons, N.E.S.; signs of any material framed or not. Letters of any material for signs or similar use; garden or lawn sprinklers and lawn mowers; wire brushes; bird, squirrel, rat or mouse cages of wire or other material.	ad val.	60%	60%	50%

GROUP III.—ARTICLES WHOLLY OR MAINLY

MANUFACTURED—Contd.

C. Cutlery, Hardware, Implements, etc.—Contd.

Item No.	Class or Description of Goods.	Rates of Duty			
		Full	Inter-mediate.	Prefer-ential.	
357	Lamps, side lights, head lights, lanterns (not electric), chandeliers, oil fixtures or metal parts thereof; burners, collars, galleries, lamp wicks, shade and shade holders, buckles of iron, steel, brass or copper of all kinds, N.E.S., (not being jewellery); slide shoes, N.E.S., stereotypes, electrotypes, and celluloids of newspaper columns and bases for same, composed wholly or partly of metal or celluloid and matrices and copper shells for same, N.O.P.; oil stoves; bread mixers, scales, balances, weighing beams and weights	ad val.	60%	60%	50%
358	Builders', cabinet makers', upholsterers' and trunkmakers' hardware, including furniture springs, hinges and locks, N.E.S.; screws, commonly called wood screws of iron, steel, brass or other metal (plated or not) and machine and other screws, N.E.S.; coal boxes and coal scoops, buckets and slop pails; traps of iron or other metal, including rat and mouse traps, wholly or partially made of wood	ad val.	60%	60%	50%
359	Nails, viz. :— Nails, spikes, brads, sprigs, tacks, and dowel pins of all varieties and of all metals, plain or coated, leathered or not, N.E.S. . .	per 100 lbs.	\$2.00	\$2.00	\$1.35

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.

C. Cutlery, Hardware, Implements, etc.—Contd.

Item No.	Class or Description of Goods.	Rates of Duty			
		Full	Inter- mediate.	Prefer- ential.	
360	Bows for hoods, springs, axles, shafts and other clips, circles, stamp joints and offsets, swing hoods, swing rings and plates, spring shackles, felloe plates, and other manufactures of malleable iron used by carriage builders; axle boxes, spring steel; carriage trimmings, such as tufts, whip sockets, lace, shaft tips, swing enas, and silver beadings	ad val.	30%	30%	30%
361	Patterns not of metal for use in metal working	ad val.	22%	22%	22%
362	Hollow-ware of cast iron, steel, nickel or aluminium, tinned, enamelled or not, N.E.S.	ad val.	60%	60%	50%
363	Agricultural implements and parts for same, N.E.S. and not including lawn mowers; agricultural machinery, N.E.S.; raffia, bone crushers, air motors, churns, cream separators, incubators, brooders; special seamless milk cans including strainers in use by farmers; wire netting, wire fencing and fasteners and gates for wire fences, when the gates are made chiefly of wire. Pasteurizing plant approved by the Board of Customs		Free	Free	Free
364	Hay and feed cutters, hay binders, mowing machines, horse drawn hay rakes, manure spreaders, teters for hay spreading, harrows, gang plows, cultivators, horse-drawn seeding machines, threshing, reaping, and binding machines		Free	Free	Free

**GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.**

C. Cutlery, Hardware, Implements, etc.—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
365	Mariners' compasses and cards for same; patent logs and log lines, sextants and quadrants	ad val.	35%	35%	35%
366	Fog horns	ad val.	45%	45%	35%
367	Pianofortes, organs and musical instruments of all kinds, and parts therefor, N.O.P, including catgut and other strings, provided that musical instrument cases shall be dutiable at the same rate as their contents when imported containing the instrument; phonographs, gramophones and such instruments and parts for same including needles and records	ad val.	30%	30%	20%
368	Thermometers, barometers, clinometers, telescopes, binoculars. Brass binnacles and chronometers for ships' use	ad val.	60%	60%	60%
369a	Cinematograph apparatus and cameras of all kinds and parts therefor	ad val.	65%	45%	45%
369b	Cinematograph films intended for public exhibition	per M. feet	\$2.60	\$2.60	\$2.20
369c	Scientific, mathematical, optical and philosophical instruments; photographic appliances, N.E.S. magic lanterns and slides therefor, N.E.S., gauges and measuring instruments of precision; tapelines of any material	ad val.	65%	65%	55%
370	Albuminized and other papers, films chemically or otherwise prepared. Dry plates for photographers' use	ad val.	35%	35%	35%
371	Spectacles, eyeglasses, frames and metal parts therefor	ad val.	65%	65%	65%

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.

C. Cutlery, Hardware, Implements, etc. —contd.

Item No.	Class or Description of Goods.	Rates of Duty		
		Full	Inter- mediate.	Prefer- ential.
372	Surgical and dental instruments (not being furniture). Surgical needles, surgical gloves, clinical thermometers, catgut and silk sutures; splints ad val.	35%	35%	35%
373	Gas meters, gas burners, gas fixtures and parts thereof (including lava or other tips), and gas mantles ad val.	45%	45%	35%
374	Gas appliances, N.E.S., and parts thereof ad val.	55%	55%	45%

D. Electrical Goods and Apparatus.

381	Electric motors and generators, N.E.S., switchboards and accessories therefor, transformers and accessories therefor, condensers, capacitors, converters, oil circuit breakers, voltage and induction regulators, lightning arresters, auto starters and commutators, motor control apparatus, domestic lighting sets . . .	ad val.	40%	40%	30%
382	Electric wires and cables (insulated), insulators, electric lamps including bulbs and shades, meters, wiring devices such as switches, sockets, porcelain knobs and tubes; telephone and telegraph instruments, and parts thereof not capable of other use, magnetos and spark plugs . . .	ad val.	45%	45%	35%
383	Radio receivers and transmitters and parts thereof not capable of other use	ad val.	30%	30%	30%
384	Wireless telephone and telegraph apparatus for use on board ships and material for installing the same	ad val.	25%	25%	25%

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.

D. Electrical Goods and Apparatus—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
385	Electric batteries of all kinds, including storage batteries, dry cell batteries (single and multiple cell), flashlight batteries, galvanic batteries, primary and secondary batteries, N.E.S.	ad val.	40%	30%	30%
386	Electrically-driven appliances, (including razors and hair trimmers), N.E.S.	ad val.	50%	40%	40%
387	Electrical appliances for cooking and heating	ad val.	55%	45%	45%
388	Refrigerators, including gas or electrically operated refrigerators..	ad val.	40%	40%	30%

E. Machinery and Mechanical Apparatus.

401	Hand and power machinery and duplicate parts thereof, N.E.S., such as: drilling machines, fan blowers, portable forges, pumps, turning lathes, fretsaw machines, scroll saw machines, and dating, ruling, paging and perforating machines, including pens for same, and machinery of a kind not manufactured in Newfoundland, N.E.S., and welding outfits	ad val.	45%	45%	35%
402	Office and domestic machinery, N.E.S., not power driven, and parts thereof	ad val.	45%	45%	35%

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.

E. Machinery and Mechanical Apparatus—Contd.

Item No.	Class or Description of Goods.	Rates of Duty			
		Full	Inter-mediate.	Prefer-ential.	
403	Machinery and parts therefor, such as: wood working and saw mill machinery, steam engines and turbines, gas engines, station-ary engines (not marine), motor engines, N.E.S., water wheels and turbines, elevators, steam and hot water boilers for power and heating purposes, furnaces and radiators, N.E.S., horse power machines, hoisting en-gines, N.E.S., concrete mixers, rock crushers, cranes and der-rieks, digging or dredging ma-chines, and grips and buckets therefor	ad val.	40%	40%	30%
404	Railway rolling stock, locomotives, track machines or speeders, lo-cotenders, railway cars, tram cars, steam or power shovels, power tractors, and parts there-of	ad val.	50%	50%	50%
405	Power tractors for agricultural or logging purposes, etc., and parts therefor	Free	Free	Free	Free
406	Engravers' plates of steel, polished for engraving thereon; photo engraving machinery, viz. :—router, bevelling and squaring machines, screen-holders, cross line screens, chemicals for use in engraving, wood for block-ing, graving tools and process plates	ad val.	25%	25%	25%
407	Stereotypes, electrotypes and cellu-loids for almanacs, calendars, illustrated pamphlets, newspap-ers, advertisements or engrav-ings and all other like work for commercial trade or other purposes, and matrices or cop-per shells for the same	ad val.	25%	25%	25%

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.

E. Machinery and Mechanical Apparatus—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
408	Marine motor engines, and parts thereof, N.E.S., not for use on land	ad val.	10%	10%	Free
409	Wool carding machines, reaving looms, wool cards and spinning wheels		Free	Free	Free
410	Machinery and parts of machinery, N.E.S.	ad val.	30%	50%	50%

F. Ships.

421	Ships' boats, skiffs, open or decked, pleasure sail boats of any material, boats or launches and dories when propelled by steam, electricity or any other mechanical power	ad val.	60%	60%	60%
422	Canoes, dories N.E.S., and dory oars	ad val.	40%	40%	40%
423	Ships and other vessels, whether sailing or otherwise propelled, other than canoes, ships' boats, skiffs, open or decked, pleasure boats and yachts of any material, boats or launches and dories, and all similar vessels . .		Free	Free	Free
424	Brass sail grommets and rings and galvanized mast screws for ships' rigging. Galvanized block straps, shackles, thimbles, match hooks and becket links for the same, blocks for ships and block sheaves and patent bushings for ships' blocks		Free	Free	Free

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.

G. Manufactures of Wood and Timber (including Furniture).

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
431	Furniture and furniture parts wholly or mainly of wood, show cases and parts thereof; house frames, fittings and joiners' work, including hardwood veneer, N.E.S., and mosaic wood flooring; coffins and caskets. All manufactures of wood, N.E.S. . .	ad val.	65%	65%	65%
432	Hoops for masts ; rushes for coopers' use; excelsior and other materials, N.E.S., for making mattresses or stuffing furniture. Hair fibre and bristles for the manufacture of brushes, saw dust of hardwoods	ad val.	25%	25%	25%
	Casks, viz. :—				
433	Empty (second hand), 45 gallons and under	each	\$0.60	\$0.60	\$0.60
434	Empty (second hand), over 45 gallons	each	\$1.50	\$1.50	\$1.50
435	Herring barrels	each	\$0.45	\$0.45	\$0.45
436	All other empty casks, N.E.S. . .	ad val.	65%	65%	65%
437	Chair cane or reeds of withrod in an unmanufactured state. Split bamboo and split rattan for the manufacture of brooms	ad val.	25%	25%	25%

H. Yarns and Textile Fabrics.

(i) Cotton and Manufactures wholly or mainly of Cotton (except Apparel).

441	Cotton yarn and twist		Free	Free	Free
442	Piece goods, wholly or mainly of cotton, printed or dyed or not, not made up in any manner . .	ad val.	25%	20%	15%

**GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.**

H. Yarns and Textile Fabrics—Contd..

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
443	Made up or partly made up articles, except apparel, wholly or mainly of cotton, N.E.S., such as: quilts, sheets, towels and curtains	ad val.	50%	45%	40%
(ii) Wool and Manufactures wholly or mainly of wool (except Apparel).					
444	Woollen and worsted yarn	ad val.	30%	30%	20%
445	Piece goods wholly or mainly of wool not made up in any manner	ad val.	25%	25%	15%
446	Made up or partly made up articles except apparel, wholly or mainly of wool, N.E.S., such as: blankets, quilts, carpets, rugs, mats and travelling rugs	ad val.	50%	50%	40%
(iii) Other Materials.					
447	Coir hemp and jute yarn		Free	Free	Free
448	Rayon or artificial silk fabrics, silk fabrics, velvets, velveteens, silk velvet, plush, in the piece and not made up	ad val.	35%	35%	25%
449	Piece goods wholly or mainly of linen not made up in any manner, N.E.S.	ad val.	25%	25%	15%
450	Made up or partly made up articles except apparel, N.E.S., wholly or mainly of linen, rayon, artificial silk or silk such as: sheets, quilts, bed coverings, towels and curtains	ad val.	50%	50%	40%
451	Mats and matting of cocoa fibre, straw, hemp or jute, and all manufactures of fibre, jute or hemp, not enumerated	ad val.	50%	50%	40%

**GROUP III.--ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.**

(iii) Other Materials—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
452	Threads for sewing, crochet, or knitting, of cotton, rayon, artificial silk, silk or linen or mixtures thereof. Buttons, pins and needles	ad val.	30%	30%	20%
453	Hair cloth, hair bolsters and pillows. Hair and other mattresses, N.E.S.	ad val.	60%	60%	60%
454	Fabrics or clothing which have been exported to be dyed, cleaned, altered or made up, when reimported, upon the cost of dyeing, cleaning or other work performed	ad val.	60%	60%	60%
455	Bags or sacks made up of jute, hemp, linen or cloth	ad val.	30%	30%	20%
456	Smallwares: Ribbons, lace, velvet, and velveteen goods, chains, cords, crepes, braids, tapes, embroideries, boot, shoe and stay laces and other smallwares of cotton, wool, linen, silk or artificial silk; elastic, round, flat or garter; elastic and non-elastic webbing; artificial flowers, hair nets and manufactures of hair, N.E.S.	ad val.	60%	60%	50%

I. Apparel.

460	Leather clothing	ad val.	55%	55%	45%
461	Oiled clothing and rubber suits as commonly used by fishermen . .	ad val.	20%	20%	20%
462	Boots, bootees, shoes and overshoes of rubber, N.E.S.	ad val.	40%	40%	30%
463	Men's and youths' long rubber boots		Free	Free	Free

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.

I. Apparel.—Contd.

Item No.	Class or Description of Goods.	Rates of Duty			
		Full	Inter- mediate.	Prefer- ential.	
464	Boots, shoes and slippers for women and children; such footwear being of leather or imitation leather, and of a value in the country of exportation of \$1.00 or more per pair	ad val.	40%	35%	30%
465	Boots, shoes, slippers, sandals, gaiters and leggings of all materials, N.O.P., and N.E.S. . . .	ad val.	40%	40%	30%
466	Fur or imitation fur coats, jackets, capes, muffs, stoles and robes. All manufactures of fur or imitation fur and all garments trimmed or lined with fur or imitation fur, where the value of the fur or imitation fur component is more than 5 per cent of the aggregate of the values of all the components of the article	ad val.	55%	55%	45%
467	Hats, caps, bonnets, and hat, cap and bonnet shapes of any material	ad val.	65%	55%	50%
468	Readymade clothing wholly or mainly of material other than wool, for women and girls, viz. : costumes, dresses, coats and skirts	ad val.	40%	35%	30%
469	Undergarments of any material not knitted, for men and boys, viz. : —cuffs, collars, pyjamas, shirts, undervests and like garments ..	ad val.	40%	35%	30%
470	Clothing of all kinds, N.E.S. including socks, stockings, sweaters, cardigans and knitted wear, braces, garters, suspenders, handkerchiefs, scarves, ties, belts and corsets. Regalia of societies (including jewels or badges) ..	ad val.	40%	40%	30%

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.

I. Apparel—contd.

Item No.	Class or Description of Goods.	Rates of Duty		
		Full	Inter- mediate.	Prefer- ential.
471	Gloves and mitts of any materials N.E.S. ad val.	55%	45%	45%

J. Chemicals, Drugs, Dyes and Colours.

481	Acids, drugs and medicinal, chemical and pharmaceutical preparations, when not containing alcohol, N.E.S., such as acetic acid, tartaric acid, cream of tartar, carbonate of ammonia, arsenic, boracite, borate of lime, borate of magnesium, borax, brinestone, bromides, carbide of calcium, carbonic acid gas, chlorides, chloral hydrate, cyanides, glycerine, hydrogen peroxide, iodine, saltpetre, soda compounds, Peruvian bark, opium, quinine and quinine salts; disinfectants and insecticides, extracts, patent and proprietary preparations, pills, powders, troches, lozenges, syrups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences, essential oils and oils, oiled silk; absorbent cotton, cottonwool, lint, lambswool, tow jute, gauze and oakum, etc., prepared for use in surgical dressings; plain and medicated surgical belts, pessaries and suspensory bandages of all kinds; refined cod liver oil, and compounds of which cod liver oil forms a prominent part; liquorice paste, liquorice in rolls and stick, when of a quality known as Spanish liquorice; Burgundy pitch, vaseline and all medicinal preparations of petroleum ad val.	50%	50%	40%
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**GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.**

J. Chemicals, Drugs, Dyes and Colours—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter-mediate.	Preferential.
482	Anti-toxins, serums, vaccines and similar preparations. Insulin and liver extracts	ad val.	10%	10%	Free
483	Dye stuffs, such as cochineal. Coal tar dyes of all kinds. Indigo and dye woods. Extracts for dyeing, N.E.S.	ad val.	55%	55%	45%
484	Bark, extract of bark, cutch, bichromate of potash, logwood, gambier, myrobalans, sumach and valonia and other materials for dyeing and tanning approved by the Board of Customs		Free	Free	Free
485	Painters' colours and pigments. Whiting, chalk, lampblack, ivory black, ultramarine. Putty. Copper paint. Varnishes, lacquers, japans, japan dryers, oil finish, size, sizing cream, resin sizing, and sizing of all kinds	ad val.	55%	55%	45%
486	Oxygen and Acetylene	ad val.	50%	50%	40%

K. Leather and Manufactures thereof, but excluding Boots, Shoes and Gloves.

490	Harness leather, N.E.S.	ad val.	35%	35%	25%
491	Sole leather, in the hide or side..	ad val.	15%	15%	5%
492	Sole leather, when in strips, pieces or shaped	ad val.	40%	40%	30%
493	Glove-grain, boot-grain, oil-grain, buff, split, imitation goat, polished pebble and waxed calf leather, when bark tanned, and chamois skins	ad val.	35%	35%	25%
494	Rough, split, undressed leather . . .	ad val.	25%	25%	15%
495	Morocco leathers, N.O.P.	ad val.	45%	45%	45%

**GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.**

K. Leather and Manufactures thereof, but excluding Boots, Shoes and Gloves

No. Item	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
496	Leather board, imitation leather and manufactures thereof, N.E.S.	ad val.	55%	55%	55%
497	Harness, including horse boots and saddlery of every description..	ad val.	65%	65%	65%
498	Harness findings, such as loops, winkers, eyes or blinds, metallic and wood findings for harness making, findings for boots and shoes, viz., counters, pegs and pegwood, boxtoe tips, steel and wooden shanks, lasts, patterns, heelplates and crimp irons, cement, glues, plates, eyelets and boot-hooks, N.E.S.	ad val.	35%	35%	30%
499	Belting of leather, or other material for machinery, including laces or fasteners	ad val.	35%	35%	25%
500	Manufactures of leather, N.E.S. . .	ad val.	65%	65%	65%

L. Earthenware and Glass.

511	Drain pipes, sewer pipes, chimney linings or vents, chimney tops, and inverted blocks, glazed or unglazed earthenware tiles, stove linings, and like manufactures of clay or cement, and crocks, jars and demijohns of stoneware or earthenware	ad val.	45%	45%	35%
512	Baths, tubs and washstands of earthenware, stone, cement, clay or other materials, N.E.S.	ad val.	55%	55%	45%
513	China and porcelain ware, earthenware and stoneware, crown or coloured and Rockingham ware, white granite or ironstone ware, C.C. or cream coloured ware, brown and cane ware, decorated, printed or sponged, and all earthenware, N.E.S.	ad val.	60%	60%	50%

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.

L. Earthenware and Glass.—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
514	Common colourless window glass .	ad val.	45%	45%	45%
515	All other kinds of glass and glass- ware, N.E.S., including silvered glass, framed or not framed ..	ad val.	60%	60%	50%
516	Bottles, viz., plain empty glass bot- tles other than fancy bottles of cut glass or any other specia. kinds	ad val.	25%	25%	15%

M. Paper.

521	Printing paper and manufactures of paper, N.E.S., transparent cellulose wrapping paper, writing paper, wrapping paper, toilet paper, blotting paper, sand, glass, flint and emery papers; emery cloth; millboard; straw- board in sheets or rolls; card- board; ruled, bordered and coat- ed paper papeteries; paper bags or sacks when not printed upon	ad val.	60%	60%	50%
522	Tarred paper, sheathing paper and all roofing materials, N.E.S. . .	ad val.	40%	40%	30%
523	Cigarette papers	per 60 sheets	\$0.01¼	\$0.01¼	\$0.01¼
524	Playing cards	ad val.	60%	60%	50%
525	Paper hangings and borderings ..	ad val.	60%	60%	60%
526	Paper patterns for dressmaking and similar work		Free	Free	Free

**GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.**

N. Miscellaneous.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
551	Fire arms:— Guns, rifles, including air guns and air rifles (not being toys), muskets, cannons, pistols, revolvers, or other firearms; cartridge cases, cartridge primers, percussion caps, wads or other ammunition, N.E.S., bayonets, swords, fencing foils and masks, gun, pistol or revolver cases; game bags, loading tools and cartridge belts of any material	ad val.	60%	60%	50%
552	Explosives, viz.: Cannon, musket, rifle, gun and sporting powder, canister powder, giant powder, nitro and other explosives, and fuses of all kinds, N.O.P.	ad val.	60%	60%	50%
553	Fireworks of all kinds, including torpedoes and fire-crackers	ad val.	65%	65%	55%
554	Works of art, viz.: Pictures in oil or water colours executed by hand. Sculptures; engravings, when produced by art societies	ad val.	15%	15%	15%
555	Chromos, chromotypes, artotypes, oleographs, drawings, pictures, engravings or prints and similar works of art. Photographs, N.O.P., picture and photo frames and picture frame mouldings of wood	ad val.	30%	30%	30%
556	Trunks and valises of all kinds, hat boxes, carpet bags, tool bags or baskets, satchels, reticules, musical instrument cases, purses, portmanteaus, pocket books, fly-books and parts thereof, and baskets of all kinds	ad val.	65%	65%	55%

**GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.**

N. Miscellaneous.—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
557	Blinds or window shades, in the piece, or cut and hemmed or mounted on rollers, blind rollers and cornices and poles for the same, of any material	ad val	65%	65%	65%
558	Dustbane and other cleansers, washing soda, caustic potash and lye, laundry blue of all kinds	ad val.	60%	60%	60%
559	Knife-brick; knife polish, and other compositions for polishing metal; boot and shoes polishes and dressings and furniture polish	ad val.	60%	60%	50%
560	Books, printed and not to be written or drawn upon, official reports; manuscripts; newspapers and monthly, semi-monthly and weekly magazines and supplements; weekly library papers, unbound, and Christmas annuals		Free	Free	Free
561	Brick, stock or common	per M	\$5.00	\$5.00	\$5.00
562	Brick, facing or fire	ad val.	40%	40%	40%
563	Brooms and whisks of corn	ad val.	65%	65%	65%
564	Brooms and whisks of fibre and other material, N.E.S.	ad val.	60%	60%	60%
565	Broom handles	ad val.	40%	40%	40%
566a	Brushes, N.E.S.	ad val.	65%	65%	65%
566b	Paint brushes, N.E.S.	ad val.	25%	25%	15%
567	Corn, for the manufacture of brooms and whisks		Free	Free	Free
568	Manufactures wholly or partly of rubber, N.E.S.	ad val.	65%	65%	55%

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.

N. Miscellaneous.—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
569	Automobiles or motor cars, and other similar motor vehicles and tyres for the same	ad val.	30%	30%	20%
570	Parts and accessories including jacks, radiator cement, so called, for automobiles or motor cars or other similar motor vehicles, N.E.S.	ad val.	30%	30%	20%
571	Bicycles and tricycles; and tyres, parts and accessories therefor, when incapable of other use . .	ad val.	30%	30%	20%
572	Carriages, express and other wagons, buggies, carts and sleighs, N.E.S.	ad val.	65%	65%	65%
573	Carriage, wagon, buggy, hearse or express bodies; purchases, gears, hoods, poles, or seats, made up or partly made up; steel tyres, sleigh runners, N.E.S., steps or step pads	ad val.	65%	65%	65%
574	Wheelbarrows, handbarrows, stand carts, trucks, trolleys or samsons	ad val.	65%	65%	65%
575	Wheels, readymade or partly made, that is with the spokes in the hub	ad val.	30%	30%	30%
576	Wheel spokes, for vehicles and carriages, wooden rims for wheels; carriage shafts; hubs for carriage wheels or blocks to make such hubs	ad val.	30%	30%	30%
577	Cement, Portland, Roman, hydraulic, water lime and iron oxide. Fibre and flooring cement . . .	ad val.	45%	45%	35%
578	Plaster of Paris or gypsum, ground, manufactured or calcined dry. Pipe and modelling clay . . .	ad val.	40%	40%	40%

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.

N. Miscellaneous.—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
579	Plaster casts, N.E.S., and stucco	ad val.	55%	55%	55%
580	Cordage, of all kinds, N.E.S.	per lb.	\$0.02	\$0.02	\$0.01
581	Clothes lines, window cords, and such like when plaited	ad val.	65%	65%	65%
582	Marline, for making lobster pots..		Free	Free	Free
583	Oakum	per lb.	\$0.02	\$0.02	\$0.02
584	Twines, for sailmaking, viz.:— hemp, roping and seaming and cotton sail twine, N.E.S.		Free	Free	Free
585	Twine, not enamerated	ad val.	60%	60%	60%
586a	Lines and twines, for use in con- nection with the fisheries, not to include sporting tackle		Free	Free	Free
586b	Hammocks, lawn tennis nets and other articles manufactured of twine, N.E.S.	ad val.	65%	65%	55%
587	Nets, netting, trawl-gear, traps and seines for use in sea and salmon fisheries		Free	Free	Free
588	Canvas, of hemp, cotton or flax, known as sail or tarpaulin can- vas, not including cotton drill		Free	Free	Free
589	Tarpaulins, tents and awnings	ad val.	40%	40%	30%
590	Sails for boats and ships		Free	Free	Free
591	Manufactures of corkwood, other than cork stoppers for bottles and jars	ad val.	65%	65%	65%
592	Stoppers, of all kinds for bottles, jars or other containers. Canvas and glass buoys for fishing nets	ad val.	20%	20%	10%
593	Diving apparatus, distress signals and life-saving appliances	ad val.	25%	25%	25%

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.

N. Miscellaneous.—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter-mediate.	Preferential.
594	Engine packing and jointings, N.E.S.	ad val.	45%	45%	45%
595	Fancy wares, such as fancy writing desks, fancy cases for jewellery, silverware, plateware, or cutlery. Glove, handkerchief and collar boxes or cases; brush or toilet cases, fancy cases of any material; fans, combs of all kinds, ornaments and statuettes of all materials. Manicure files. Compacts and powder puffs, bead ornaments and papier mache ware	ad val.	65%	65%	55%
596a	Fishing tackle for sportsmen, viz.: fishing rods of all kinds, trawls, trawling spoons, lines, hooks, fly hooks, sinkers, swivels, floats, fishing bait, fish nets or landing nets, casts or traces of gut, reels, and other anglers' requisites not enumerated	ad val.	50%	50%	50%
596b	Appliances, apparatus, accessories and requisites, N.E.S., for sports, gymnastics and athletics (other than apparel, boots and shoes)	ad val.	50%	50%	40%
597	Jewellery, of all kinds, including ornamental hat pins, hair pins, belt or other buckles and similar ornamental articles, N.E.S. . .	ad val.	65%	65%	65%
598	Matches of all kinds, (each box containing about fifty matches)	per gross of boxes	\$0.50	\$0.50	\$0.45
599	Shoemaker's ink, harness and leather dressings and harness soap..	ad val.	35%	35%	35%
600	Roofing slates	ad val.	40%	40%	40%
601	Mosaic flooring of any material, excepting wood; slate mantels and other manufactures of slate, N.E.S.	ad val.	65%	65%	65%

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.

N. Miscellaneous.—Contd.

Item No.	Class or Description of Goods.	Rates of Duty		
		Full	Inter- mediate.	Prefer- ential.
602	Oil cloth , viz.:—floor, shelf, stair, enamelled and table oil cloth, linoleum, cork matting, or cork carpets	ad val.	55%	45%
603	Non-alcoholic toilet preparations , N.E.S., including toilet soap and perfumery	ad val.	50%	40%
604	Tobacco pipes of all kinds, pipe mounts, cigar and cigarette cases, cigar and cigarette holders and cases for same, smokers' sets and cases therefor, and tobacco pouches	ad val.	65%	65%
605	Skins and furs , dressed but not made up	ad val.	40%	40%
606	Starch and preparations having the quality of starch, N.E.S. . . .	ad val.	60%	60%
607	Soap , common or laundry, in bars or cakes	ad val. per lb.	18% \$0.02½	8% \$0.02½
608	Chips or flakes of soap and liquid soap	ad val.	55%	45%
609	Soap powders	ad val.	65%	55%
610	Manufactures of marble , freestone, and granite, N.E.S.	ad val.	65%	65%
611	Billiard tables , bagatelle boards, cues and balls, cue racks, cue tips and billiard chalk	ad val.	65%	65%
612	Candles	per lb.	\$0.05½	\$0.05½
613	Grindstones , scythe and other sharpening stones	ad val.	40%	30%

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.

N. Miscellaneous.—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
614	Stationery; printed matter N.E.S.; erasing rubbers of all kinds, sealing wax; mucilage and other liquid gums; inks for writing; pencils, pens, penholders and rulers of all kinds; wire paper clips; dating stamps; picture post cards, Christmas and similar cards; books to be written or drawn upon; blank account books, artists' paints and colours, and other drawing requisites	ad val.	80%	60%	50%
615	Music, bound or in sheets; music for pianolas and similar instruments; maps and charts, blue prints and building plans, N.E.S.	ad val.	10%	10%	Free
616	Advertising matter, such as pamphlets, catalogues, calendars, price lists, etc., desk and similar pads, chromos, chromotypes or any works having any advertising matter thereon, or attached thereto, N.E.S.	per lb.	\$0.18	\$0.18	\$0.18
617	Provided that on the goods specified in the foregoing item and imported by mail, duties may be paid by Customs Revenue Stamps, at the rates specified in the said item, except that on each separate package weighing not more than one ounce, the duty shall be	each	\$0.01	\$0.01	\$0.01
618	Advertising show cards of all materials, metal signs and advertising almanacs	ad val.	60%	60%	60%

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.

N. Miscellaneous.—Contd.

Item No.	Class or Description of Goods.	Rates of Duty			
		Full	Inter-mediate.	Prefer-ential.	
619	Bank notes, bonds, bills of exchange, cheques, promissory notes, drafts and all similar work unsigned and cards or other commercial blank forms printed or lithographed, bound or not; paper bags and sacks when printed upon; blotting paper having any advertisement thereon or attached thereto, and other printed matter, N.O.P.	ad val.	65%	65%	65%
620	Admiralty charts	Free	Free	Free	Free
621	Toys, dolls and games of all kinds, including children's sleds and carriages	ad val.	50%	50%	40%
622	Umbrellas, parasols, canes and walking sticks mounted or unmounted and parts therefor ..	ad val.	65%	65%	65%
623	Whips of all kinds, including lashes and thongs	ad val.	65%	65%	65%
624	Horses and like draft animals ...	Free	Free	Free	Free
625	Animals, not enumerated	ad val.	50%	50%	50%
651	Apparel, wearing and other personal and household effects, not merchandise, of British subjects dying abroad but domiciled in Newfoundland; books, pictures, family plate and furniture, personal effects and heirlooms left by bequest	Free	Free	Free	Free
652	Articles, for the use of His Excellency the Governor	Free	Free	Free	Free
653	Articles, when imported by and for the use of the Army and Navy; articles consigned directly to officers and men on board vessels of His Majesty's Navy for their personal use or consumption	Free	Free	Free	Free

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.

N. Miscellaneous.—Contd.

Item No.	Class or Description of Goods.	Rates of Duty		
		Full	Inter- mediate.	Prefer- ential.
654	Articles, imported by the Govern- ment for Government purposes, not being articles that can be used for seeding purposes	Free	Free	Free
655	Articles, for the official use of Con- suls	Free	Free	Free
656	Artificial limbs and parts for same; artificial eyes, spinal braces; ear telephone sets for use by deaf persons	Free	Free	Free
657	Bait	Free	Free	Free
658	Bags, barrels, boxes, casks and other containers exported filled with Newfoundland products, or ex- ported empty and returned filled with foreign products; and ar- ticles, the growth, produce and manufacture of Newfoundland, when returned after having been exported; provided that proof of the identity of such article and goods shall be made, and that such articles and goods are returned within one year from the time of exportation, with- out having been advanced in value or improved in condition by any process of manufacture or other means; provided fur- ther, that this item shall not apply to any article or goods up- on which an allowance or draw- back has been made, the reim- portation of which is hereby prohibited, except upon payment of duties equal to the drawback allowed; nor shall this item ap- ply to any article of goods which has paid excise duty	Free	Free	Free

**GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.**

N. Miscellaneous.—Contd.

Item No.	Class or Description of Goods.	Rates of Duty		
		Full	Inter- mediate.	Prefer- ential.
659	Bicycles, anglers' outfits, trout- ing-gear, fire arms, tents and imple- ments of tourists, when in the custody of tourists and under conditions prescribed by the Commissioner for Finance, to se- cure the export of such articles, or the payment of the regular rate of duty on the articles when otherwise imported when the articles are sold or left in Newfoundland	Free	Free	Free
660	Coin or bullion, including negotiable notes or bonds; postage and revenue stamps	Free	Free	Free
661	Eggs of fish and eggs of game birds, when imported for propagation	Free	Free	Free
662	Samples of no commercial value ..	Free	Free	Free
663	Settlers' effects, such as wearing apparel, household furniture, books, implements and tools of trade, occupation or employ- ment, guns, musical instruments, domestic sewing machines, type- writers, livestock, bicycles, carts and agricultural imple- ments, in use by the settler for at least six months before his removal to Newfoundland, but not to include machinery or ar- ticles imported for use in any manufacturing establishment or for sale; provided that any duti- able article entered as settlers' effects may not be so entered un- less brought with the settler on his first arrival, and shall not be sold or otherwise disposed of without payment of duty until after twelve months' actual use in Newfoundland	Free	Free	Free

**GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—Contd.**

N. Miscellaneous.—Contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter-mediate.	Preferential.
664	Supplies for lighthouses, and keepers of lights, maintained by the Dominion of Canada on the coasts of Newfoundland		Free	Free	Free
665	All goods not enumerated in this Act nor subject to any other rate of duty, nor declared free of duty by this Act, and not being goods the importation whereof is by this Act or any Act prohibited, shall be subject to a duty of	ad val.	65%	65%	65%

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.

GROUP I.—FOOD, DRINK AND TOBACCO

C. Other Food and Drink

M1001	Butter and butter colouring when imported by manufacturers of butterine or similar compounds for use as an ingredient in such manufacture		Free	Free	Free
M1002	Chocolate coating and chocolate paste, for manufacturing purposes	ad val.	30%	30%	30%
M1003	Eggs, dried or in liquid form, when imported by manufacturers for use in their manufactures	per lb.	\$0.18	\$0.18	\$0.18
M1004	Fruit pulp, vegetable pulp and paste, when imported by manufacturers for use in their manufactures	ad val.	15%	15%	15%
M1005	Shelled peanuts for manufacturing purposes	per lb.	\$0.06	\$0.06	\$0.06
M1006	Lard, neutral stock, lard oil to be used in manufactures	ad val.	25%	15%	15%

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—contd.

GROUP I.—FOOD, DRINK AND TOBACCO—contd.

C. Other Food and Drink—contd.

Item No.	Class or Description of Goods.	Rates of Duty		
		Full	Inter-mediate.	Preferential.
M1007	Lard, lard stock; milk testing substances; milk powder, coconut, cottonseed, oleo, olein beef, olive, palm, sesame and other oils; paraffin wax; parchment liners, circles and fasteners, when imported by manufacturers of butterine or oleo-margarine	Free	Free	Free
M1009	Salt in bulk, when imported to be used in curing fish	Free	Free	Free
M1009	Salt, when imported by butterine manufacturers	Free	Free	Free
M1010	Sugar, N.E.S., when imported by manufacturers of confectionery and used solely for the manufacture of confectionery, subject to orders issued by the Board of Customs	per 100 lbs. \$0.60	\$0.60	\$0.60
M1011	Moss and porterine when imported by brewers. Ale basis when imported by licensed manufacturers	ad val. 45%	45%	35%

D. Tobacco.

M1013	Tobacco stems for manufacturing snuff	per 100 lbs. \$0.80	\$0.80	\$0.80
M1014	Tobacco leaf and stems when imported by licensed manufacturers in bond	Free	Free	Free
M1015	Tobacco leaf stripped, when imported by licensed manufacturers in bond	Free	Free	Free

GROUP I.—FOOD, DRINK AND TOBACCO—contd.

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—contd.
D. Tobacco—contd.

Item No.	Class or Description of Goods.	Rates of Duty		
		Full	Inter-mediate.	Prefer-ential.
M1016	Liquorice paste, liquorice powder, gum arabic, syrup, molasses, olive oil, glycerine, sugar, spices, flavourings, rum, alcohol, tin foil, tin tags, spermaceti and paper for cigarette making, when imported by licensed tobacco manufacturers for the manufacture of tobacco to be placed in the factory in which the goods are to be manufactured and held in bond there solely for manufacturing purposes to be removed only upon the permit of the proper officer of Customs	Free	Free	Free

GROUP II.—RAW MATERIALS AND ARTICLES MAINLY UNMANUFACTURED.

A. Coal, Coke and Manufactured Fuel.

M1017	Coke, when imported by manufacturers for use in their manufacture	Free	Free	Free
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B. Ores and Scrap Metal.

M1018	Copper, bitumen, naphtha and iron oxide, to be used in the manufacture of copper paint	Free	Free	Free
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C. Wood and Timber.

M1019	Boards not grooved or tongued under one inch in thickness imported expressly for manufacturing dories	per M. ft.	\$4.50	\$4.50	\$4.50
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SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—contd.

GROUP II.—RAW MATERIALS AND ARTICLES MAINLY
UNMANUFACTURED—contd.

C. Wood and Timber—contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter-mediate.	Prefer-ential.
M1020	Whitewood, basswood, ash and hickory, mahogany, walnut, cedar, chestnut, gumwood, not planed or dressed, when imported by wheelwrights, carriage builders, and other manufacturers to be manufactured by them	per M. ft.	\$5.00	\$5.00	\$5.00
M1021	Staves, viz.:—oak and Douglas fir, for the manufacture of oil barrels		Free	Free	Free
M1022	Heading for the manufacture of oil barrels		Free	Free	Free

G. Oils, Seeds, Fats and Gums.

M1023	Cotton seed oil, olive and vegetable oils for preserving fish or for the manufacture of fish glue..		Free	Free	Free
M1024	Soap stock, when other than oil, and all ingredients used in the manufacture of soap		Free	Free	Free
M1025	Ingredients, used in the manufacture of candles, laundry blue, shoe and stove polish, paying more than 25 per cent, when imported by manufacturers	ad val.	30%	30%	30%

I. Materials for Paper Making.

M1027	China clay, alum and sulphur, when imported by paper makers or other manufacturers, to be used in their manufactures . . .		Free	Free	Free
M1028	Spools for winding paper for export		Free	Free	Free

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—contd

GROUP II.—RAW MATERIALS AND ARTICLES MAINLY
UNMANUFACTURED—contd.

J. Miscellaneous.

Item No.	Class or Description of Goods.	Rates of Duty		
		Full	Inter- mediate.	Prefer- ential.
M1029	Bones for manufacturing purposes	Free	Free	Free

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED.

A. Iron and Steel and Manufactures thereof.

M1030	Nail strips, wire, rods and bars of all metals to be used in Newfoundland in the manufacture of nails	Free	Free	Free
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B. Other Metals and Manufactures thereof.

M1031	Wire of brass, zinc or steel, screwed, twisted, flattened or corrugated, when imported by manufacturers of boots and shoes to be used by them in their manufactures. Wire when imported by broom, brush, or carriage manufacturers to be used by them in their manufactures	ad val.	10%	10%	Free
M1032	Aluminium in blocks, ingots, bars and slabs, zinc, spelter or solder, when imported by manufacturers for the manufacture of hollow-ware and for galvanizing..	ad val.	5%	5%	5%
M1023	Tin in sheets, solder and lining compounds for the manufacture of cans for food products	ad val.	5%	5%	5%
M1034	Printing type, when imported by bona fide printers for use in their business	ad val.	20%	20%	20%
M1035	Corrugated zinc, when imported by manufacturers of washing boards and used in the construction of same	ad val.	20%	20%	20%

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—contd.

C. Cutlery, Hardware, Implements (except Machine Tools) and Instruments.

Item No.	Class or Description of Goods.	Rates of Duty			
		Full	Inter-mediate.	Prefer-ential.	
M1036	Material for sheathing the bottoms of vessels, such as zinc, copper and composition metal, together with nails and paper and felt, which may be used for or under such sheathing when used for sheathing vessels, under regulations to be made by the Commissioner for Finance	ad val.	25%	25%	25%
M1037a	Nails, brads, tacks and fasteners of special kinds not manufactured in Newfoundland and to be used by recognized manufacturers in their manufactures	per 100 lbs.	\$1.00	\$1.00	Free
M1037b	Angle iron, link fabric, springs, and wire when imported by manufacturers for the manufacture of mattresses	ad val.	20%	20%	10%

E. Machinery and Mechanical Apparatus.

M1038	Machinery of a kind not manufactured in Newfoundland, (a) to be used solely for drying, cleaning, packing, manufacturing or refining the products of the fishery; such as presses, drying apparatus, grinding, cutting and skinning machines, presses for oil refining, cod liver oil boilers and patent sealers for use by canners; (b) refrigerating machinery; (c) ship machinery such as power winches, windlass and steering gears; (d) parts for all the foregoing	ad val.	10%	10%	Free
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SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—contd.

E. Machinery and Mechanical Apparatus—contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
M1039	Special manufacturing machinery and apparatus patented or not of a kind not manufactured in Newfoundland (but not to include repair parts) when imported under rules and regulations to be made by the Commissioner for Finance, to be used by manufacturers in Newfoundland in the manufacture of goods and costing at the place of shipment not less than \$300, provided the said machinery and apparatus can be used only for the special manufacturing industry for which it is imported	ad val.	25%	25%	15%
M1040	Printing presses, and parts for same, printers' ink and printers' office furniture; bookbinders' tools and implements; ruling, paging and perforating machines and ruling pens for machines; bookbinders' wire and stitching machines, when imported by bona fide printers for use in their business	ad val.	20%	20%	20%
M1041	Mining machinery of all kinds, costing at the place of shipment not less than \$100 per machine or piece, (and not including repair parts, mountings and accessories), when used solely for prospecting, mining, quarrying, oil-boring, pumping and refining and of a kind not manufactured in Newfoundland viz.:—(a) rock drills, coal cutters, power-loaders and power-shovels; (b) pumps of all kinds to be used for pumping water or oil from the workings to the surface; (c) hoisting engines, haulage engines and conveying machinery to be used for lifting,				

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—contd.

E. Machinery and Mechanical Apparatus—contd.

Item No.	Class or Description of Goods.	Rates of Duty		
		Full	Inter- mediate.	Prefer- ential.
M1041	Mining Machinery—Contd. hauling or conveying coal or ore from the workings to the surface; (d) crushers or other machinery for use in facilitating the refining of coal or ore; (e) special machinery of all kinds to be used in washing, concentrating, reducing and refining coal, ore, and oil, or for the manufacture of brick; (f) prospecting drills of all kinds; miners' diamonds and diamond set bits for diamond drills; (g) oil-boring drills and special machinery for pumping and refining oil; (h) cranes and derricks, when used to lift or transport coal or ore from the workings to steamers or cars; (i) steam engines, internal combustion engines, electric generators, electric motors, air compressors and steam boilers to be used for the operation of any of the above - mentioned machinery. The importation of machinery under this section is subject to rules and regulations to be made by the Commissioner for Finance, and is subject to the provisions in such cases provided for under the Customs and Excise Act, 1938, whereby articles mentioned in this section shall be dealt with as smuggled goods if used for any other purpose than that for which they are here set forth	Free	Free	Free

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—contd.

E. Machinery and Mechanical Apparatus—contd.

Item No.	Class or Description of Goods.	Rates of Duty			
		Full	Inter-mediate.	Prefer-ential.	
M1042	Mining equipment when used solely for prospecting, mining, quarrying, oil-boring, pumping, and refining, viz.:—(a) dynamite, detonators, blasting powder, fuses, blasting batteries and battery wire; (b) fire brick to be used in the original construction of ore-reduction and smelting plants, but not for power plants; (c) wrought iron or other pipe (5 inches in diameter and over) not including fittings; (d) hoisting and haulage cables $\frac{7}{8}$ inches in diameter and over to be used for lifting and transporting coal or ore from the workings to point of shipment. The importation of above-mentioned equipment is subject as aforesaid to rules and regulations to be made by the Commissioner for Finance and to the provisions of the Customs and Excise Act, 1938	ad val.	10%	10%	Free
M1043	Machinery and parts thereof to be used solely in the manufacture of twines, lines, nets, seines, cordage and other fishing gear	Free	Free	Free	Free
M1044	All special paper and pulp-making machinery and mechanical apparatus, when the same cannot be manufactured in Newfoundland, both for the original installation and the further extension of the same, but not in substitution for old, subject to the rules and regulations to be made by the Commissioner for Finance	Free	Free	Free	Free

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—contd.**GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—contd.****E. Machinery and Mechanical Apparatus—contd.**

Item No.	Class or Description of Goods.	Rates of Duty		
		Full	Inter-mediate.	Prefer-ential.
M1045	All special machinery and mechanical apparatus when imported specially for galvanizing and for the manufacture of hollow-ware, when the same cannot be manufactured in Newfoundland, both for the original installation and the further extension of the same, but not in substitution for old, subject to the rules and regulations to be made by the Commissioner for Finance	Free	Free	Free
M1046	Materials imported by manufacturers for the construction of special machinery and mechanical apparatus shall be subject to the same rate of duty as the article to be manufactured, under rules and regulations to be made by the Commissioner for Finance.			

H. Yarns and Textile Fabrics.**(i) Cotton.**

M1048	Cloth , known as glass cloth, mulch paper, when imported by agriculturists for their use alone..	ad val.	18%	18%	8%
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(iii) Other Materials.

M1049	Brin , known as bread bag brin, when imported by local manufacturers	Free	Free	Free
M1050	Hemp, jute or linen bags or sacks , printed or plain, to contain flour ground or milled in Newfoundland	Free	Free	Free
M1051	Hemp, jute or linen material , for making bags to contain flour ground or milled in Newfoundland	Free	Free	Free

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—contd.

(iii) Other Materials—contd.

Item No.	Class or Description of Goods.	Rates of Duty			
		Full	Inter- mediate.	Prefer- ential.	
M1052	Findings for boots and shoes, etc., crayons, tapes and webbing; counters; pegs and peg wood; boxtoe tips and materials; metal or wooden shanks; lasts, pat- terns, dies and plates; heel and toe plates; crimp irons; eyelets, boot-hooks, zipper fasteners, slides, buttons and buckles of all materials; cement, glue, paste and paste powder, wax, shoe dressings, shoemakers' inks, rivets, solvents, liquid softeners; boot and shoe laces; sand, emery and glass papers and emery cloth, when imported by manufacturers of boots and shoes for use in their manufac- tures	ad val.	10%	10%	Free
J. Chemicals, Drugs, Dyes and Colours.					
M1053	Boracic acid, acetic acid and pre- servatives when imported by manufacturers to be used in the preservation of fish or fish glue; ammonia and calcium chloride, when imported for refrigerating purposes, and acids imported by manufacturers to be used in the process of galvanizing and electro-plating, N.O.P.	ad val.	15%	15%	15%
M1054	Sulphuric acid, when imported to be used in the manufacture of manures	Free	Free	Free	Free
M1055	Glue, when imported by manufactur- ers for use in the manufacture of packages made of veneer cut from local woods	ad val.	20%	20%	10%

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—contd.

K. Leather and Manufactures thereof, etc.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
M1057	Leather, unwrought; sole leather, when in strips, pieces or shaped, when imported by manufacturers of boots and shoes for use in their factories	ad val.	15%	15%	5%
M1058	Heels or soles of rubber, leather substitute, composition or other material, cut or shaped, when imported by manufacturers of boots and shoes for use in their manufactures	ad val.	15%	15%	5%
M1059	Material of rubber, leather substitute, composition or other material, for soles or inner soling, not cut or shaped, when imported by manufacturers of boots and shoes for use in their manufactures	ad val.	10%	10%	Free
M1060	Upper leathers, excepting bark-tanned, N.E.S., and Japanned, patent or enamelled leather, including leather substitutes and felt; when imported by manufacturers of boots and shoes for use in their manufactures	ad val.	10%	10%	Free

L. Earthenware and Glass.

M1061	Tumblers, cartons and other containers and covers for same, when imported by bona fide manufacturers of jams and jellies, and bona fide manufacturers of candy for the purpose of enclosing their manufactures; ribbed glass when imported by manufacturers of wash boards	ad val.	15%	15%	15%
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SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—contd.

M. Paper.

Item No.	Class or Description of Goods.	Rates of Duty			
		Full	Inter- mediate.	Prefer- ential.	
M1063	Printing paper when imported by bona fide printers, for the purpose of being printed upon; and bookbinders' cloth, leather, marble paper and paper board, when imported by bookbinders and printers for use in book-binding	ad val.	20%	20%	10%

N. Miscellaneous.

M1064	Rubber bags, when imported by cold storage companies to be used in the process of freezing fish	ad val.	20%	20%	20%
M1065	Rubber tyres for carriages when imported by manufacturers of carriages	ad val.	40%	40%	40%
M1066	Ornaments, when imported by confectioners for ornamenting cakes	ad val.	55%	55%	55%
M1067	Chromos, chromotypes, artotypes or oleographs, when imported by printers to be used in the manufacture of local calendars, etc.	ad val.	20%	20%	20%
M1068	Ticking, when imported by mattress makers for covering mattresses	ad val.	25%	25%	15%
M1069	Parchment or wax paper, when imported specially for packing fish or lining tins used in the canning industry in Newfoundland		Free	Free	Free
M1070	Paper, known as selling paper, and papers, cardboard containers and boxes, to be used by manufacturers in enclosing their manufactures, not including common wrapping paper; tinfoil for use of manufacturers in their manufactures, N.E.S.; lithographed				

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—contd.

N. Miscellaneous—contd.

Item No.	Class or Description of Goods.	Rates of Duty			
		Full	Inter-mediate.	Prefer-ential.	
	tins and tins of a kind not manu- factured in Newfoundland and when imported by manufactur- ers for enclosing their manufac- tures; printed and lithographed labels of any material and colour cards, when imported by manu- facturers and fish packers for use in their industries, provided that these articles cannot be manufactured in Newfoundland; shooks for use by cold storage companies and mineral and lubricating oils when imported by such companies for use in connection with their machine- ry; wax paper printed on when imported by manufacturers of confectionery and bakers of soft bread	ad val.	25%	25%	25%
M1071	Lead sheets, boxes of steel, wood or of paper and tin in combination, and labels when imported by tea dealers to be used by them in packing tea in small packages..	ad val.	12½%	12½%	12½%
M1072	Shooks, glue, tins and other cover- ings with labels, when imported by manufacturers for their use in the manufacture of tobacco	ad val.	20%	20%	10%
M1074	Materials, imported by manufac- turers for construction of such machinery as is at present ad- mitted into Newfoundland free of duty. The free importation of such materials to be admitted subject to regulations to be made by the Commissioner for Finance		Free	Free	Free

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—contd.

N. Miscellaneous—contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
M1075	Dyed woollen yarns, when imported by the proprietors of woollen mills to be used in connection with the manufacture of woollen goods		Free	Free	Free
M1076	Forest fire fighting appliances, and parts and accessories, as approved by the Board of Customs . .		Free	Free	Free
M1077	Binding, tailors' chalk, breeches laces and eyelets, cotton shoulder pads, fasteners, hooks, eyes and slides, tapes and webbing, wool cuffing and skirting, zipper fasteners, metal slides and metal buckles, imported by wholesale clothing manufacturers	ad val.	15%	15%	5%
	The following described articles when imported by pulp and paper manufacturers to be used solely in their mills in the manufacture of pulp and paper:—				
M1078	Apron cloth, rubber deckle straps, screen diaphragms, paper machine press rolls—rubber covered; splicing tissue; manufactures of rubber, brass and copper; manufactures of wood of a kind that cannot be made in the country; Jordan parts and economizer parts; manufactures of marble or granite	ad val.	25%	25%	25%
M1079	Wrappers, when imported for the wrapping of paper, when it is exported by paper manufacturers	ad val.	12½%	12½%	12½%
M1080	Aniline dyes, silicate of soda and soda ash	ad val.	20%	20%	20%
M1081	Maple or gumwood logs for press rolls—rough turned	ad val.	10%	10%	10%

SPECIAL RATES FOR APPROVED MANUFACTURERS, ETC.—contd.

GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—contd.

N. Miscellaneous—contd.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
M1082	Baling wire, metal core caps and metal strips, to be used in binding goods for export		Free	Free	Free
M1083	Pulp grindstones and artificial pulpstones	ad val.	15%	15%	15%

SPECIAL RATES FOR ARTICLES TO BE USED FOR CERTAIN
APPROVED PURPOSES.

GROUP III.—ARTICLES WHOLLY OR MAINLY MANUFACTURED.

D. Electrical Goods and Apparatus.

S1101	Galvanic batteries when imported by doctors for use in their profession	ad val.	25%	25%	25%
S1102	X-ray, high frequency and quartz lamp apparatus and parts for same, for the use of hospitals and private medical practitioners, and special supplies for same such as: electrodes, dry plates, films, developing and fixing compounds		Free	Free	Free

J. Chemicals, Drugs, Dyes and Colours.

S1103	Insecticides and fungicides, dips for cattle and sheep, spraying apparatus and parts thereof, when imported by agriculturists under a certificate from the Department of Natural Resources	ad val.	18%	18%	8%
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**SPECIAL RATES FOR ARTICLES TO BE USED FOR CERTAIN
APPROVED PURPOSES—contd.**

**GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—contd.**

N. Miscellaneous.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter- mediate.	Prefer- ential.
S1104	Magic lanterns and slides, cinematograph apparatus and films, when imported solely for use in churches and schools, as approved by the Board of Customs ..	ad val.	25%	25%	15%
S1105	Slate pencils, chalk crayons, to be used in schools; school writing slates and copy books, headed for school purposes	ad val.	20%	20%	20%
S1106	Animals and poultry imported solely for breeding purposes for the improvement of stock under a certificate from the Department of Natural Resources		Free	Free	Free
S1107	Articles imported by the St. John's Municipal Council for the use of the Municipality		Free	Free	Free
S1108a	Articles imported directly by religious bodies, to be used only in the ritual of their worship and in places used solely for such purpose including bells, musical instruments, stained or other glass for windows, statuary, paintings, carpets, chandeliers, lamps, clocks, furnaces and other heating apparatus; and building materials when imported solely for the construction of such places of worship		Half the normal rate of duty applying to the articles imported.		

**SPECIAL RATES FOR ARTICLES TO BE USED FOR CERTAIN
APPROVED PURPOSES—contd.**

**GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—contd.**

N. Miscellaneous—contd.

Item No.	Class or Description of Goods.	Rates of Duty		
		Full	Inter- mediate.	Prefer- ential.
S1108b	Building materials and clothing when imported directly by religious denominations for the sole use of their orphanages. Building materials and equipment, N.E.S., (including blackboards and kindergarten requisites) when imported directly by school or college authorities. Building materials and equipment for the Maternity Home when imported directly by the Salvation Army	Half the normal rate of duty applying to the articles imported.		
S1109	Medicine or used clothing donated for charitable purposes and consigned to any corporate charitable society or clergyman . . .	Free	Free	Free
S1110	Equipment, accoutrements, and musical instruments for Boys' Brigades, Boy Scouts and Girl Guides or the Salvation Army; and arms and ammunition for Volunteer Corps, when such importations are approved by the Board of Customs	Half the normal rate of duty applying to the articles imported.		
S1111	Globes of all kinds, charts, pictorial illustrations or similar studies, when imported for the use of colleges, schools or library associations; school desks or parts thereof; curios not intended for sale	Half the normal rate of duty applying to the articles imported.		
S1112	Scientific instruments and apparatus, imported directly for use in colleges or schools or by scientific or library associations. Medals and other articles imported directly by schools or associations as prizes, when such articles are approved by the Board of Customs	Half the normal rate of duty applying to the articles imported.		

**SPECIAL RATES FOR ARTICLES TO BE USED FOR CERTAIN
APPROVED PURPOSES—contd.**

**GROUP III.—ARTICLES WHOLLY OR MAINLY
MANUFACTURED—contd.**

N. Miscellaneous—contd.

Item No.	Class or Description of Goods.	Rates of Duty		
		Full	Inter- mediate.	Prefer- ential.
S1113	Supplies, stores and donations for the Moravian Missionaries on Labrador under rules and regulations as may be made by the Commissioner for Finance	Free	Free	Free
S1114	Goods approved by the Board of Customs imported for use in manufacture by blind persons..	Free	Free	Free
S1115	Alcohol supplied to hospitals and similar institutions approved by the Board of Customs	Free	Free	Free
S1116	Photographs unframed, not intended for sale	Free	Free	Free

SCHEDULE B

CUSTOMS DRAWBACKS, REBATES AND REPAYMENTS.

Item No.	Goods	When Subject to Drawback, etc.	Proportion of Duty payable as Drawback, etc.
		On the production of proof to the satisfaction of the Board of Customs that the goods have been—	
D1301	Paper bags or sacks, labels, of all kinds, shipping, price or other tags and tickets of all kinds.	actually printed upon in Newfoundland.	50%
D1302	Paper	actually printed upon in Newfoundland and exported and upon production of a landing certificate from the foreign port at which it was landed.	40%
D1303	Ale, porter, Bavarian or botanic beer manufactured in Newfoundland and upon which the duty imposed has been paid.	exported from Newfoundland subject to regulations made by the Commissioner for Finance.	100% of the excise duty.
D1304	Sugar	used in the manufacture of articles exported from Newfoundland and upon the production of a landing certificate showing the receipt of the goods at a foreign port.	100%
D1305	Tin packages	manufactured in Newfoundland and used by manufacturers for the export of cod liver oil.	100%
D1306	Casks, steel drums and other containers as may be approved by the Commissioner for Finance.	used in packing goods for export, on production of proof of exportation.	100%
D1307	Glass bottles, labels that cannot be manufactured in Newfoundland and special cartons for enclosing bottles.	used by manufacturers for the bottling of cod liver oil for export, and that they have been duly exported.	100%
D1308	Unbleached calico	used by manufacturers in the manufacture of oil clothes.	100%

SCHEDULE B—contd.

CUSTOMS DRAWBACKS, REBATES AND PAYMENTS—contd.

Item No.	Goods	When Subject to Drawback, etc.	Proportion of Duty payable as Drawback, etc.
		On the production of proof to the satisfaction of the Board of Customs that the goods have been—	
D1309	Linseed oil	used by manufacturers in the manufacture of oil clothes.	33⅓%
D1310	Coal or fuel oil	supplied to ships of war.	100%
D1311	Coal	imported into the port of St. John's and transferred to Carbonear, Harbour Grace, Heart's Content, Placentia, or Bell Island.	the difference between the duty chargeable at the port of St. John's and the duty chargeable at the port to which transferred.
D1312a	Coal	imported or brought into the port of Carbonear, Harbour Grace, Heart's Content, Placentia or Bell Island and transferred to any other outport.	the difference between the duty chargeable at the port of importation and the duty chargeable at the outport.
D1312b	Coal	imported into the port of St. John's and transferred out of the Electoral Districts of St. John's East and West to any Outport other than those mentioned in Item D1311.	the difference between the duty chargeable at the port of St. John's and the duty chargeable at the outport.
D1313	Coal	imported into the port of St. John's for the manufacture of gas by public gas companies.	\$0.35 per ton.

SCHEDULE B—contd.

CUSTOMS DRAWBACKS, REBATES AND REPAYMENTS—contd.

Item No.	Goods	When Subject to Drawback, etc.	Proportion of Duty payable as Drawback, etc.
		On the production of proof to the satisfaction of the Board of Customs that the goods have been—	
D1314	Coal or fuel oil	supplied to vessels entering the port of St. John's for the purpose only of obtaining bunker coal or fuel oil.	100%
D1315	Ingredients used in the manufacture of paints.	used by manufacturers in the manufacture of paints.	33⅓%
D1316	All ingredients (except sugar) used by bona fide manufacturers in the manufacture of confectionery.	used by manufacturers in the manufacture of confectionery.	50%
D1317	All ingredients used by bona fide manufacturers in the manufacture of jams, jellies and pickles.	used by manufacturers in the manufacture of jams, jellies and pickles.	80%
D1318	Castor oil and disinfectants.	imported in barrels by manufacturers and put up in retail bottles or containers.	10%
D1319	Acetic acid 80 per cent. strength for making vinegar.	imported by manufacturers and used in making vinegar.	10%
D1320	Spices and whole peppers	imported in bulk by manufacturers and ground and put up in retail quantities.	25%

SCHEDULE B—contd.

CUSTOMS DRAWBACKS, REBATES AND REPAYMENTS—contd.

Item No.	Goods	When Subject to Drawback, etc.	Proportion of Duty payable as Drawback, etc.
D1321	Iron and steel, iron and steel plates, machinery, composition paint for ships' bottoms which is not manufactured in Newfoundland and any other material used in the repair of ships. Coal and fuel oil supplied to any repaired ship upon her departure after repair.	On the production of proof to the satisfaction of the Board of Customs that the goods have been— used by contractors or repairers of any ship entering any port in Newfoundland for repairs. Such refund on materials shall be made only on the certificate of the Master of the repaired ship when it is countersigned by Lloyd's Surveyor or other duly authorized Surveyor who passes the said ship after repairs have been effected and such refund on fuel shall be made on the certificate of the supplier, countersigned by the Master and Chief Engineer of the ship so supplied.	100% not to include stamps or fees.
D1322	Hardwood, timber, spars in the raw state, wire rigging, machinery for windlasses, patent wheel gear, iron pumps, chains, anchors, iron and copper for fastening, metal sheathing for bottoms of vessels, motor engines for hoisting, motor engines for propulsion, shafts and propellers.	imported and used for the building or equipment of vessels in respect of which bounty shall be payable under the law in relation to ship building, upon evidence satisfactory to the Board of Customs that the same have been used or installed in such vessels.	100%

SCHEDULE B—contd.

CUSTOMS DRAWBACKS, REBATES AND REPAYMENTS--contd.

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SCHEDULE B—contd.

CUSTOMS DRAWBACKS, REBATES AND REPAYMENTS—contd.

Item No.	Goods	When Subject to Drawback, etc.	Proportion of Duty payable as Drawback, etc.
D1326	Imported material used in the manufacture of nets, netting, trawlgear, traps and seines for use in sea and salmon fisheries.	On the production of proof to the satisfaction of the Board of Customs that the goods have been— used in the manufacture of such goods.	100%
D1327	Alcohol, N.O.P. (Item No. 105).	used in manufacture by approved manufacturers.	Duty paid in excess of rate for Item No. 103.
D1328	Unglazed kraft paper, parchment paper, transparent cellulose wrapping paper, labels and strapping wire, excelsior packing; showcards and advertising matter.	used in packing fish, or blueberries for export.	100%
D1329	Fuel oil	exported as merchandise.	100%
D1330a	Gasolene and motor spirit of all grades.	imported or brought into and duty paid at the ports and rates of duty specified in Tariff Item No. 225 and removed as merchandise to other parts of the country; subject to regulations made by the Commissioner for Finance.	2 cents per gallon to the importer of the goods.
D1330b	Gasolene and motor spirit of all grades.	used on board a registered fishing boat, and of compliance with Section 38 of this Act.	100% of the net duty paid
D1331	Hoisting engines, hoisting machinery, pumps and hose for cleaning fish.	used in the equipment of vessels engaged in the fishery or at fish curing stations.	100%

SCHEDULE B—contd.

CUSTOMS DRAWBACKS, REBATES AND REPAYMENTS—contd.

Item No.	Goods	When Subject to Drawback, etc.	Proportion of Duty payable as Drawback, etc.
D1332	Supplies, stores and donations imported by the International Grenfell Association.	on delivery of the goods for the use of the International Grenfell Association and on production of proof to the satisfaction of the Board of Customs that the goods are to be used solely for the purposes of the International Grenfell Association.	100%

SCHEDULE C.—EXCISE DUTIES

Item No.	Class or Description of Goods		Rate
E1401	Ale, porter, Bavarian beer, botanic beer and all other small and dextrinous liquors	per 100 gals.	\$10.40
E1402	Oleo-margarine, butterine or similar compounds	per 100 lbs.	\$4.40
E1403	Oleo-margarine, butterine or similar compounds when put up in metal containers	per 100 lbs.	\$7.40
E1404	Compound lard and similar substances	per 100 lbs.	\$2.20
E1405	Tobacco	per lb.	\$0.32
E1406	Cigarettes weighing not more than 2½ lbs. per thousand	per M.	\$4.25
E1407	Cigarettes weighing more than 2½ lbs. per thousand	per M.	\$6.20
E1408	Cigars	per lb.	\$1.50
E1409	Cream manufactured in an approved butterine factory from materials imported free of duty approved by the Board of Customs	per lb.	\$0.01

SCHEDULE E.—PROHIBITED GOODS

Item
No.

- P1501 Books, printed papers, drawings, paintings, prints, photographs, cinematograph films, statues, models, or representations, articles, goods or objects of any kind of a treasonable, seditious, immoral or indecent character.
- P1502 Coin, base or counterfeit.
- P1503 Goods manufactured or produced wholly or in part by prison labour, or which have been made within or in connection with any prison, gaol or penitentiary.
- P1504 Reprints of Newfoundland copyright works and reprints of British copyright works, which have been copyrighted in Newfoundland.
- P1505 Tea, adulterated with spurious leaf or with exhausted leaves, or containing so great an admixture of chemical or other deleterious substances as to make it unfit for use.
- P1506 Salt, known as fishing salt, which has been used in vessels or elsewhere in the curing or making of fish, prior to its importation into Newfoundland.
- P1507 Used clothing of all kinds when imported for sale.
- P1508 Malt extracts, hop extracts, malt and hop extracts, and all preparations whether of the foregoing kinds or not, capable of being used in the preparation of beer, spirits, wines, or any other beverages containing alcohol except to manufacturers approved by the Board of Customs: provided that this prohibition shall apply only to such goods as the Board of Customs may specify by order under their hand.

SCHEDULE G—EXPORT TAX

Fish, viz.:—

Cod, haddock, hake, ling, salted or dried or otherwise
preserved, exported from Newfoundland..... per quintal—\$0.02

AN ACT TO AMEND THE CARRIAGE BY AIR
ACT, 1938.

[31st December, 1938]

SECTION

- 1.—Amendment Clause (3) of Article 4.
- 2.—Amendment Clause (1) of Article 12.

SECTION

- 3.—Amendment Clause (1) of Article 22.
- 4.—Amendment Clause (2) of Article 26.

A.D. 1938.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Amendment
Clause (3) of
Article 4.

1. Subclause (h) of Clause (3) of Article 4 of the First Schedule of the Act No. 22 of 1938, the Carriage by Air Act, 1938, is hereby amended by striking out the word "carrier" and substituting therefor the word "carriage".

Amendment
Clause (1) of
Article 12.

2. Clause (1) of Article 12 of the First Schedule of the said Act is hereby amended by striking out the word "places" and substituting therefor the word "place".

Amendment
Clause (1) of
Article 22.

3. Clause (1) of Article 22 of the First Schedule of the said Act is hereby amended by striking out the words "law of the Courts" and substituting therefor the words "the law of the Court".

Amendment
Clause (2) of
Article 26.

4. Clause (2) of Article 26 of the First Schedule of the said Act is hereby amended by striking out the word "least" and substituting therefor the word "latest".

AN ACT TO APPROVE AND GIVE STATUTORY
EFFECT TO AN AGREEMENT BETWEEN THE
GOVERNMENT AND BOWATER'S NEWFOUND-
LAND PULP AND PAPER MILLS LIMITED.

[31st December, 1938]

SECTION—

- 1.—Confirmation of Agreement forming the Schedule to this Act.
- 2.—Modification of Clause 5 of Agreement.
- 3.—Provisions of Agreement to have Statutory effect.

SECTION—

- 4.—Statutory power to parties in respect of matters in agreement.
 - 5.—Repeal.
 - 6.—Short Title.
- Schedule.

Be it enacted by the Governor, by and with the advice
of the Commission of Government, as follows:

A.D. 1938.

1. The Agreement made between His Excellency Sir **Confirmation of**
Humphrey Thomas Walwyn, K.C.S.I., C.B., D.S.O., Gov- **Agreement**
ernor of Newfoundland and its Dependencies in Com- **forming the**
mission of the one part and Bowater's Newfoundland **Schedule to**
Pulp and Paper Mills Limited, a Company incorporated **this Act.**
under the laws of Newfoundland and having its register-
ed office at Corner Brook in the Island of Newfoundland
of the other part, dated the 29th day of November, A.D.
1938, and forming the Schedule to this Act is hereby
approved and confirmed and declared to be valid and
binding upon the parties thereto.

2. In Clause 5 of the Agreement forming the Schedule **Modification**
to this Act there shall be inserted after the words "riots **of Clause 5**
or civil commotions" the words "or by adverse commer- **of Agreement.**
cial or economic conditions existing in any season or sea-
sons which the Company shall show to the satisfaction
of the Government make it reasonable for the Company
not to comply with such obligations in whole or in part"

and the figures and words "25 cents" shall be struck out and the words "two dollars" substituted therefor.

Provisions of Agreement to have Statutory effect.

3. Subject to the amendments above set forth, all and singular the several clauses and provisions of the said Agreement set forth in the Schedule hereto are hereby declared to have the force and effect of law for all purposes as if expressly enacted herein.

Statutory power to parties in respect of matters in agreement.

4. Subject to the amendments above set forth, the parties and each of them shall have full power and authority from time to time to do and perform or omit to do and perform all and singular the several acts, matters, things and agreements in and by the said Schedule provided to be done or not to be done, as the case may be, in the manner and with the effect and under the conditions stipulated and provided in the said Schedule.

Repeal.

5. The Act 15, George V (1924) Chapter Two entitled "An Act for the Confirmation of an Agreement between the Government and the Gander Valley Power and Paper Company Limited" and the Act 18, George V, (1927) Chapter Five entitled "An Act to amend the Act 15 George V (1924) Chapter Two, entitled "An Act for the Confirmation of an Agreement between the Government and the Gander Valley Power and Paper Company Limited" are hereby repealed.

Short Title.

6. This Act may be cited as the Bowater's Newfoundland Act, 1938.

SCHEDULE

THIS AGREEMENT made this 29th
day of November in the
year of Our Lord one thousand
and nine hundred and thirty-eight
(L.S.) BETWEEN His
Excellency Vice-Admiral Sir
Humphrey Thomas Walwyn,
(Sgd.) Humphrey Walwyn K.C.S.I., C.B., D.S.O., Governor
Governor.
of Newfoundland and
its Dependencies in Commission
(hereinafter called
"the Government") of the
(Sgd.) L. E. Emerson one part AND Bowater's
H. M. Attorney General. Newfoundland Pulp and
Paper Mills Limited a Company
registered under the
Companies Act of Newfoundland
(hereinafter called "the Company") of
the other part.

WHEREAS the Company has acquired or proposes **Recitals.**
to acquire the lands, licences to cut timber and the water
powers and rights which are described in the First and
Second Schedules hereto;

AND WHEREAS the Government has made the following
Agreements with the Newfoundland Power and
Paper Company, Limited, a Company registered under
the Companies Act of Newfoundland (the predecessor in
title of the Company) and the same have been confirmed
by the following Acts, namely:—

The Agreement dated the 16th day of April, 1915,
between His Excellency the Governor of Newfoundland
in Council, of the one part, and the Newfoundland
Products Corporation Limited

(the original name of the Newfoundland Power and Paper Company Limited) of the other part;

The Act 6, George V, (1915), Chapter Four;

The Act 8, George V, (1917), Chapter Three;

The Act 9-10, George V, (1919), Chapter Twelve;

The Act 14, George V, (1923), Chapter One;

The Agreement forming Part 1 of the Schedule to such last mentioned Act;

The Agreement forming Part II of the Schedule to such last mentioned Act;

The Act 15, George V, (1925), Chapter Twenty-seven;

AND WHEREAS the Government has made the following Agreement with the Company and the same has been confirmed by the following Acts, namely:—

The Agreement dated the 2nd day of August, 1927, between His Excellency the Governor of Newfoundland in Council of the one part, and International Paper Company of Newfoundland, Limited, (the original name of the Company) of the other part, hereinafter referred to as "the Agreement of 1927";

The Act 18, George V, (1927), Chapter Four, hereinafter referred to as "the Act of 1927"; and

The Act No. 42, of 1935;

AND WHEREAS the name of the Company was originally "International Paper Company of Newfoundland,

Limited", and such name was changed on the 9th day of November, 1927, to "International Power and Paper Company of Newfoundland, Limited", and such name was again changed on the 18th day of August, 1938, and is now "Bowater's Newfoundland Pulp and Paper Mills Limited";

AND WHEREAS it was agreed between the Government and the Company that on the acquisition by the Company of the properties mentioned in the First Schedule hereto the Government and the Company would enter into this Agreement;

NOW THEREFORE IT IS HEREBY AGREED AS FOLLOWS:

PART I—PRELIMINARY

1. This Agreement is conditional in all respects upon the acquisition by the Company of the lands, licences to cut timber and the water powers and rights described in the First Schedule hereto. When the Commissioner for Justice shall be satisfied that such acquisition has taken place he may (but his doing so shall not be necessary to the coming of this Agreement into force and effect) give to the Company a certificate to that effect and such certificate shall be conclusive evidence of such acquisition.

Coming into
force of
Agreement.

PART II.—CONSTRUCTION AND PRODUCTION

2. (1) The Company shall carry out such extensions or changes to its existing plant at Corner Brook as shall in themselves increase the capacity of such plant for the production of first quality sulphite pulp in slush form by 30,000 air dry short tons per annum and the Company shall also instal in its Corner Brook mills plant and machinery in addition to any

Extension of
sulphite mills.

at present installed which shall be capable of drying such quantity of slush pulp to a consistency not less than 80 per cent absolutely dry and of producing such pulp in suitable form for export;

- (2) The Company shall commence work upon the construction of such extensions and/or other works in connection therewith during the course of the year 1939 and shall complete the same and put them into operation not later than the 31st day of December, 1941: Provided that if the Company shall show to the satisfaction of the Government that owing to adverse commercial or economic conditions it is reasonable that the Company should postpone such work the same shall be postponed until such date as the Government and the Company shall agree that it shall take place: Provided further however that (subject only to the provisions of sub clause (4) of this clause) the said extensions shall in any event be completed and put into operation not later than the 31st day of December, 1942.
- (3) During the first twelve months subsequent to the date of completion and coming into operation of the said extensions the Company shall manufacture therein for export not less than 15,000 air dry short tons of sulphite pulp and during the next following twelve months the Company shall manufacture therein for export not less than 22,500 air dry short tons of sulphite pulp.
- (4) Provided that if the Company shall be prevented by act of God, strikes, lockouts or other labour difficulties, epidemics, fire or other accident, war, acts of the public enemy, or of

civil or military authorities, riots or civil commotions, unusually severe winter conditions, non-delivery or delayed delivery of materials or plant, or by any act or event beyond the reasonable control of the Company, from complying with the provisions of this Clause, the said dates or periods respectively shall be extended by the period or periods of delay occasioned by any such happening or happenings which period or periods shall not exceed in total a period of two years.

3. The Company shall in addition so soon after the 31st day of December, 1940 as the Government and the Company shall agree that it is practicable and economic so to do increase by 30,000 short tons per annum the paper capacity of the existing mills which capacity shall for the purposes of this Agreement be taken to be 174,000 short tons of paper per annum. For the purpose of arriving at such agreement the Government and the Company shall consult together from time to time. The sulphite pulp capacity required in connection with such increase shall be additional to the 30,000 tons of capacity mentioned in Clause 2 hereof.

4. It being the intention of the Company to maintain the extensions hereinbefore provided for in continuous operation the Company will at all times adopt all reasonable measures to this end.

PART III.—TIMBER

5. During the cutting season of 1938-39 and during every cutting season of the currency of the Company's timber licences the Company shall (unless prevented by act of God, strikes, lockouts or other labour difficulties, epidemics, fire or other accident, war, acts of the public enemy or of civil or military authorities, riots or civil commotions or by any act or event beyond the reason-

able control of the Company) cut for export from Newfoundland 50,000 cords of unmanufactured timber. Timber so cut shall be exported but as and when the Company shall think fit. Should the Company in any such cutting season as aforesaid fail to cut for export 50,000 cords of unmanufactured timber the Company shall (unless and save to the extent that such failure shall have been due to any of the acts or events in this clause above referred to) pay to the Commissioner for Finance the sum of 25 cents for every cord by which the quantity of timber cut for export in the cutting season in question falls short of 50,000 cords and the Government shall not have any further right or claim against the Company in respect of such failure.

Additional
export during
interim period.

6. Beginning with the year 1939 and ending with the third complete calendar year subsequent to the date of completion and coming into operation of the extensions provided for in Clause 2 hereof the Company shall be entitled to export from Newfoundland in every year (in addition to any timber cut under Clause 5 hereof and exported in that year) unmanufactured timber in such quantities as the Company shall think fit up to but not exceeding 70,000 cords. Provided that if by reason of any of the acts or events referred to in Clause 2 (4) hereof the first or second period of twelve months referred to in Clause 2 (3) hereof shall have been postponed or extended then in place of the third complete calendar year mentioned in this clause and in Clause 7 there shall be understood the calendar year beginning on the 1st day of January next following the expiration of a period consisting of the two calendar years after the date aforesaid plus a period equal to the period or periods of postponement or extension aforesaid. Provided also that if during the first twelve months subsequent to the date of completion and coming into operation of the said extensions the Company shall (unless prevented by any of the acts or events mentioned in Clause 2 (4) hereof) manufacture for export less than 15,000 air dry short tons of

sulphite pu'p or if during the second twelve months subsequent to such date the Company shall (unless prevented as aforesaid) manufacture for export less than 22,500 air dry short tons of sulphite pu'p then in either of such cases the said quantity of 70,000 cords for the next following year shall be reduced pro rata to the deficiency.

7. In every year after the third complete calendar year subsequent to the date of completion and coming into operation of the extensions provided for in Clause 2 hereof the Company shall be entitled to export from Newfoundland (in addition to any timber cut under Clause 5 hereof and exported in that year) unmanufactured timber in such quantities as the Company shall think fit up to but not exceeding (except with the consent of the Commissioner for Natural Resources which he may give in his discretion) two cords for every air dry short ton of sulphite pu'p which the Company shall have manufactured for export during the previous calendar year and half a cord for every short ton of paper which the Company shall have manufactured in excess of 174,000 short tons during the previous calendar year. Additional export after interim period.

8. The Company shall before commencing cutting operations in each year advise the Commissioner for Natural Resources in writing of the areas from which the Company proposes to cut timber for export. Areas for export.

9. If the Company shall in any year export less unmanufactured timber than the amount exportable in that year under Clause 6 or Clause 7 as the case may be the deficiency may be exported in any subsequent year or years in addition to the amount otherwise exportable in that year or those years. Provided that the total quantity of unmanufactured timber exported by the Company in any year (exclusive of any timber cut under Clause 5 hereof and exported in that year) shall not exceed the full quantity exportable in that year under Clause 6 or Carry over of export wood.

Clause 7 as the case may be plus a quantity representing the unexported deficiencies for the three immediately preceding years.

Conduct of
logging
operations.

10. The Company will at all times carry out its cutting operations in Newfoundland in accordance with good logging practice in such a manner as will best conserve the Company's forest areas so as to ensure both the permanent supply of timber for its mills and extensions aforesaid and the export of timber as herein provided.

Royalties.

11 (1) (a) The Company shall (subject to the provisions of the following paragraphs of this sub-clause) pay to the Government in respect of all unmanufactured timber which shall be cut from any of the freehold or licensed timber areas of the Company and exported by the Company from Newfoundland under this agreement a royalty of thirty cents per cord.

(b) The Government shall have the right exercisable as mentioned in paragraph (c) of this sub-clause of requiring the Company (in lieu of payment of the royalty which would otherwise have been payable under paragraph (a) of this sub-clause on the unmanufactured timber exported in any particular year) to deliver to the Government without charge unmanufactured timber of a quantity equivalent to three per cent of the quantity of unmanufactured timber exported by the Company in that year.

(c) The Company shall notify the Government not later than the 31st day of May in each year the quantity of unmanufactured timber which it proposes to export in that

year and if the Government decides to exercise the right mentioned in the last preceding paragraph of this sub-clause it shall notify the Company to that effect not later than the 30th day of June next following.

- (d) In any year in which the Government shall notify the Company as mentioned in paragraph (c) of this sub-clause the Company shall deliver to the Government the requisite quantity of unmanufactured timber in boom at a suitable loading point at a date not earlier than the 1st day of August and not later than the 30th day of September as the Government may direct and no royalty shall be payable on unmanufactured timber exported by the Company in that year. Provided that if at the date directed by the Government as aforesaid the actual quantity of unmanufactured timber exported by the Company in the year in question is not ascertained the quantity to be delivered to the Government shall be a quantity equivalent to three per cent of the quantity notified by the Company to the Government under paragraph (c) of this sub-clause and when the actual quantity exported as aforesaid shall have been ascertained the appropriate adjustment (if any) shall be made. Provided that in the event of the adjustment hereunder being rendered necessary by reason of the actual quantity of timber exported being greater than the quantity notified under paragraph (c) of this sub-clause it shall be open to the Government either to require payment of the royalty of thirty

cents per cord on the excess or to require payment of the fair value of a quantity of timber equivalent to three per cent. of such excess. The unmanufactured timber to be delivered to the Government as aforesaid shall be of quality not inferior to the average quality of that exported by the Company during the year in question.

- (e) If so required by the Government in any year at the time of exercising the right provided for in paragraph (b) of this sub-clause the Company shall take over the timber to be delivered as aforesaid and shall pay the Government therefor the fair value and shall be entitled to export the same free of royalty.
- 2) The Company shall pay to the Government in respect of all timber cut by the Company from areas for the time being held by it under licence from the Crown and manufactured during the currency of the Company's timber licences by the Company in Newfoundland into sawn lumber or other saleable products of timber (other than pulp or paper) otherwise than for use in connection with the Company's undertaking, a royalty at the rate of fifty cents on each 1,000 feet board measure.

PART IV.—PROVISIONS AS TO GRANTS, LICENCES, ETC.

No Royalties
under licence

12. (1) Save as mentioned in Clause 11 of this Agreement the Company shall not be liable for payment of any royalty under or in relation to any grant, lease or licence in Newfoundland, but not in Labrador heretofore created or issued and now held or hereafter acquired by the

Company and accordingly all terms and conditions however imposed applying to any such grant, lease or licence, relating to the payment of royalty on trees cut down or manufactured or otherwise shall be deemed to have been cancelled and shall be of no force or effect.

- (2) In the event of the Company at any time or times acquiring from any third party or third parties any grant, lease or licence hereafter created or issued the Company shall pay such royalties (if any) as may be reserved by any such grant, lease or licence. Provided that in such event no royalty shall be payable by the Company under Clause 11 of this Agreement in respect of any timber cut (whether exported or not) from the area or areas covered by any such grant, lease or licence and the provisions of Clause 11 hereof shall be limited and construed accordingly.

- 13 (1) Clause 10 of the Agreement of 1927 as amended by the Act of 1927 shall cease to apply to the Company. Provisions regarding grants and licences.

- (2) The following provisions shall apply in respect of all grants of land and timber licences now held by the Company and all grants and licences in Newfoundland (but not in Labrador) now issued to third parties and hereafter acquired by the Company and all such grants and licences which shall hereafter be issued to the Company or to third parties and hereafter acquired by the Company.

- (a) The respective terms of such licences shall be for 99 years commencing on the date of this Agreement except that in the cases of (i) the six 50 year licences now held by

the Company and registered in the Department of Crown Lands in Vol. 3 Fol. 26, Vol. 2, Fol. 26, Vol. 2, Fol. 60, Vol. 3, Fol. 27, Vol. 4, Fol. 49 and Vol. 2, Fol. 55 respectively and (ii) any licences for terms less than 99 years hereafter acquired by the Company and not being licences mentioned in the First or Second Schedule hereto and (iii) any licences expressed to be for terms expiring at dates later than 99 years from the date of this Agreement, the respective terms shall be the terms expressed in such licences.

b) All terms and conditions applying to the said grants and licences however imposed relating to

- (i) the clearing or cultivation of lands,
- (ii) the operation of timber lands or conduct of timber operations,
- (iii) the erection, equipment or operation of saw mills or pulp or paper mills or factories or other manufactories of wood goods,
- (iv) the manufacture of timber into sawn lumber or other products,
- (v) the expenditure of specified sums of money in such erection, equipment or operations or manufactures

shall be deemed to have been cancelled and shall be of no force or effect.

14. The Government hereby declares that the re-
spective grants, timber licences, the water power lease and
the mineral lease referred to in the First and Second
Schedules hereto are valid and subsisting but does not
make any declaration as to the accuracy of the descrip-
tions, boundaries or areas set forth in any document or
record relating thereto.

15. The Government agrees that so far as possible
adjoining timber areas held by the Company under ex-
isting licences shall be consolidated under one or more
licence or licences in accordance with Clause 16 of this
Agreement and that any small pieces (as may be agreed
between the Government and the Company) of unlicensed
Crown land (not within the three mile coastal belt) ad-
joining any of the timber areas mentioned in the First or
Second Schedule hereto shall be included in the area to
be covered by any such consolidating licence and the
Company agrees that to the extent to which any of the
areas comprised in the grants and licences mentioned in
the First Schedule hereto lie within the three mile coastal
belt the same shall concurrently with the issue of such
consolidating licence or licences be surrendered to the
Government: Provided that the operation of this clause
shall be subject to all requisite consents of the trustees of
the Company's mortgage bonds and debentures for the
time being and other the mortgagees (if any) for the time
being of any of the areas involved having been first ob-
tained.

16. Every licence issued pursuant to the provisions
of this Agreement shall as nearly as circumstances shall
permit be in the form set forth in the Third Schedule
hereto: every such licence shall operate to vest in the
licensee during the continuance of such licence the right
to take and keep exclusive possession of the land therein
described subject to the conditions therein provided; and
such licence shall vest in the holder thereof all right of
property whatsoever in all trees and timber cut within

the limit of the licence during the continuance thereof, whether such trees be cut by the authority of the holder of such licence or by any other person with or without his consent; such licence shall entitle the licensee to seize as his property such timber where the same is found in the possession of any unauthorised person, and also to bring any actions or suits at law against any party unlawfully in possession of any such timber, or of any land included in such licence, and to prosecute all trespassers thereon, and other such offenders as aforesaid, to conviction and punishment, and to recover damages, if any, and all proceedings pending at the expiration of any such licence may be continued and completed as if the licence had not expired; provided that such licence shall be subject to the right of the Governor in Commission to grant any of the said land absolutely, after the timber has been cut therefrom, for the purpose of agriculture or for mining, and to deal with the same fully and effectively for such purposes; and provided also, that nothing in the said licence shall be construed to prevent or debar any person from cutting or using any trees or timber on such lands for the bona-fide purposes of the fisheries, for building vessels, for masts, for poles for erecting flakes, for fencing and for firewood, and for such like purposes; provided further that any person or persons may, at all times make and use roads upon and travel over the ground so licensed; and that the said licence shall not be so construed as to prevent any person or persons from taking from the ground covered by the said licence, standing timber of any kind (without compensation therefor) to be used for the making of roads, bridges, or public works. by or on behalf of the Government of Newfoundland, the authority of the Commissioner for Natural Resources having been first obtained; and that persons settling under lawful authority or title on the land so licensed, shall not in any way be molested or interrupted in clearing and cultivation by the licensee or any person for or on his behalf.

PART V.—WATER POWERS

17. (1) The Government will from time to time at Government to
the request of the Company demise to the Com- demise water
pany for the term of 99 years from the date powers.
of this Agreement (so far as any such demise
shall not be inconsistent with any grants or
leases of water powers for the time being
actually subsisting) any of the water powers
in and upon the Gander River and its tribut-
aries and the water power of all streams fall-
ing into Bonavista Bay from Middle Brook to
Indian Bay Brook both inclusive which the
Company may show to the satisfaction of the
Government that the Company requires for
the purposes of its operations in any of the
areas mentioned in the First or Second
Schedule hereto. Any such demise shall be
on the terms that the same shall become for-
feited if the water powers to which it relates
be not developed within three years of the
date of the demise and shall be subject to a
reasonable rental in line with rentals for de-
mises of other water powers in the areas afore-
said but shall otherwise be free of conditions
save as to the making of appropriate returns
and as to proper variation in the event of
non-user or abandonment of such water power
in whole or in part. The Government will not
grant or lease to any other party during the
currency of the Company's timber licences any
of the water powers aforesaid without in the
first instance giving to the Company an op-
portunity of taking a demise of the same on the
terms aforesaid if they shall show that they
require the same for the purposes of their op-
erations. If the Company shall elect not to
take such a demise and the water power in

question shall be acquired and developed by any such other party the Government shall bind such other party to undertake to supply the Company with such a reasonable amount of electrical energy (having regard to such party's own requirements) as the Company may from time to time require on fair terms.

- (2) The Company shall supply to third parties on fair terms such a reasonable amount of electrical energy (having regard to the Company's own requirements) as they may require from water powers developed by the Company under demise granted pursuant to this Clause and shall pay to the Government an annual tax in respect of energy so supplied equal to two cents per thousand kilowatt hours measured at the customers' low tension switchboard or the equivalent of such rate.

Provisions
regarding
certain water
power leases.

18. (1) The term of the water power lease referred to in the First Schedule hereto shall be for 99 years commencing on the date of this Agreement.
- (2) All terms and conditions applying to the leases or demises of water powers referred to in Clause 10 of the Agreement of 1927 or to the lease of water powers referred to in sub-clause (1) of this Clause and relating to any of the matters mentioned in paragraph (b) of sub-clause (2) of Clause 13 of this Agreement or to the development and use of water powers within the area concerned or to the expenditure of specified sums of money in such development or use shall be deemed to have been cancelled and shall be of no force or effect.

PART VI.—RETURNS

19. The Company shall make the following returns ^{Returns.} to the Commissioner for Natural Resources in the form that he may from time to time prescribe, namely:—

- (a) On the 31st day of May in each year a return showing the amount of unmanufactured timber cut for export since the last return and the place or places where the same has been cut, and
- (b) On the 1st day of January and 1st day of July in each year a return showing the amount of sulphite pulp manufactured for export since the last return.

PART VII.—GRANTING OF CROWN LANDS

20. The Government undertakes, at the request of ^{The Govern-} the Company, to grant to the Company from time to time ^{ment to grant} at the price of 30 cents per acre: ^{Crown lands to} ^{Company.}

- (a) any lands (exclusive of the right to cut timber thereon) for the time being belonging to the Crown and not under lease or licence to any third party which in connection with its operations in any of the areas mentioned in the First or Second Schedule hereto the Company may require as incident to flowage rights, or for or in connection with mills, works, logging operations, water supply for mills and for domestic and other uses, factories, stores, warehouses, or telegraphs, telephones, power transmission lines, cables, pipelines, railways, tramways or roads, or sites for canals or reservoirs, or for quarrying stone or sand or other construction materials required for the Company's undertaking.

- (b) Any such lands which in connection with its operations aforesaid the Company may require for its townsites and settlements, and for the formation of protective areas adjoining the same.
- (c) So much of the sea-shore or foreshore and of the public waters and land thereunder as the Company may in connection with its operations aforesaid require for or in connection with booming, wharves, docks, quays, piers, shipping facilities, warehouses or other buildings:

Provided that the Government may before making any such grant require the Company to show that the lands, sea-shore or foreshore or public waters in question are reasonably required for some of the purposes aforesaid and that such grant is not calculated to cause undue injury to the rights of others and provided that there shall in every such grant be reserved to the Government a right-of-way through the areas covered thereby for roads, railways, telegraph, and telephone lines except over lands covered by buildings or other structures provided that the Government shall not be under any obligation to grant any such lands at any time after the expiration of a period of ten years from the date of this Agreement.

Government's
power to
acquire lands.

21. If the Government shall at any time be desirous of acquiring any vacant lands being freehold lands mentioned in the First Schedule hereto for the time being belonging to the Company for the purpose of building, making or erection of railways, roads, bridges or public buildings or for agricultural settlements in pursuance of government reconstruction policy the Company shall (subject to all requisite consents of the trustees of the Company's mortgage bonds and debentures for the time being and others the mortgagees (if any) for the time

being of the areas involved having been first obtained) convey such lands to the Government and the Government shall pay therefor in the case of unimproved lands at the rate of thirty cents per acre and in the case of improved lands fair and reasonable compensation to be agreed upon between the parties and if not agreed upon to be settled by arbitration as hereinafter provided.

PART VIII.—EXPROPRIATION

22. If the Company shall at any time or times be desirous of acquiring lands or property or rights therein not belonging to, or not in possession of, the Crown and reasonably required in connection with its operations in any of the areas mentioned in the First or Second Schedule hereto for any of the matters mentioned in Clause 20 of this Agreement and if the Company shall be unable to agree with the owners or occupiers of such lands, property or rights as to the purchase money or compensation to be paid therefor, (1) the Company may enter on such lands or property to ascertain and measure and obtain the description of same, (2) the Company shall then notify the owner in writing that the said lands or property or rights (describing and delimiting the same) are required and will be taken for the purposes of the Company and thirty days after the service of the said notice on the owner or if the owner cannot be found, or if for any reason personal service cannot be conveniently effected, then thirty days after the posting up of the said notice of expropriation in a conspicuous place upon the said lands or property, the said lands or property or rights shall vest in the Company and the Company may enter upon and take possession thereof forthwith, (3) the Company shall make compensation to the owner of any lands or property or rights expropriated under this Clause for all damages necessarily resulting from the exercise of the powers given hereunder which may be in excess of any advantage which the owner may derive directly or indirectly from the contemplated work and operations, and

the Company shall tender reasonable compensation to the owner within 30 days after entry, (4) if the owner refuses such tender and the Company and the owner cannot agree upon the amount of compensation, such amount shall be settled by arbitration in manner hereinafter provided.

Expropriation
of timber and
mining
properties.

23. If in any instance the Company is desirous of exercising the powers of expropriation herein contained so as to affect the timber or mining lands or rights of any person or company conducting on or under such lands logging or lumbering operations or mining, it shall give notice in writing of its desire to such person or company which notice shall contain a reference to and set out the provisions of this clause. If such person or company cannot be found or if for any reason personal service of such notice cannot conveniently be effected the Company shall post such notice in a conspicuous place upon the land involved. If such person or company objects to such expropriation he or it shall give to the Company notice in writing of the objection within ten days of the service or posting of such notice as aforesaid and the objection shall be referred to arbitration in manner hereinafter provided and if the arbitrators find;

- (a) that the lands are needed by the Company for the purposes of its undertaking; and
- (b) that its purposes cannot be as well served without increased expense or considerable inconvenience to the Company as by the expropriation of the said lands; and
- (c) that it is upon the whole expedient in the public interest that the Company shall be allowed to expropriate the said lands;

the Company may enter and take such lands, and the same arbitrators shall proceed to assess the amount to be paid

or compensation to be given, and upon payment thereof the said lands or rights shall vest in the Company.

PART IX. TAXATION AND CUSTOMS

24. All property of the Company within the area of ^{Municipal} any towns or settlements established by the Company ^{taxes.} shall be exempt from municipal taxation.

25. Sub-clause (d) of Clause 2 of the Agreement of ^{Materials for} 1927 from and including the words "All material, plant, ^{construction.} tools, fixtures and machinery" down to the end of such sub-clause shall be deleted and the following words shall be substituted therefor:

- (d) All materials, articles and things required from time to time for construction, installation and equipping of the company's water power, hydro-electric, electrical, ground wood pulp, chemical pulp, cellulose, paper and barking mills, buildings, plants and works and all buildings and plants incidental thereto, wharves, docks, quays, piers, lights and buoys, warehouses, woods and logging operations, fire protection, transmission lines, railways, roads and towns (including all houses, buildings and structures, hospitals and laboratories erected by or for the Company on any town-site or protective area around it owned or controlled by it, sewerage, water, heating and lighting systems, and any other public amenities or utilities which may be provided by the Company) vessels, boats, mechanical transport for goods, aircraft, and telegraph and telephone equipment all for the company's own operations for original installation or for additions or extensions but not in substitution for old shall until the 2nd day of August, 1952, be admitted into Newfoundland, free of duties and

taxes, subject however to any prohibition of general application against the importation of any articles and except as provided below in sub-clause (g) of this Clause 2.

Special extensions within five years.

26. If within five years from the completion respectively of the extensions referred to in Clause 2 of this Agreement or the increase referred to in Clause 3 of this Agreement the Company wishes to instal any plant of a type contemplated in the original design of such extensions or increase as the case may be which the Company was unable to instal at the time of the original construction for reasons beyond its control, such plant shall be treated as part of the original installation and be admitted free under Clause 2 (d) of the Agreement of 1927 as amended by Clause 25 of this Agreement.

Materials for renewals, replacements and repairs.

27. Sub-clause (f) of Clause 2 of the Agreement of 1927 shall be deleted and the following new sub-clause shall be substituted therefor:—

- (f) On materials, articles and things required by the Company for renewals or replacements of or repairs to or for use in substitution for materials, articles and things imported free of duty or of or to or for materials, articles and things previously imported for renewals or replacements of or repairs to or for use in substitution for materials, articles or things imported free of duty (including materials articles and things required for or in connection with carrying out or effecting such renewals, replacements, repairs or substitution) the Company shall pay such import duties and taxes of general application (if any) as shall be in force from time to time under the general laws of Newfoundland provided that until the 2nd day of August, 1967, such import duties and taxes taken together shall not ex-

ceed 25 per centum of the value of the material, article or thing in question.

28. The following new paragraph shall be inserted at the end of sub-clause (g) of Clause 2 of the Agreement of 1927, namely:—

Materials
not exempted.

(7) Ropes and twines and nets of kinds and sizes manufactured in Newfoundland.

29. (1) The following new sub-clauses shall be inserted in Clause 2 of the Agreement of 1927 immediately after sub-clause (g) of such clause:—

Special
materials for
manufacture.

(ga) Baling wire, metal core caps, metal seals, metal strips and laminated heads to be used in binding or packing goods, sulphur, adhesives, silicate of soda, hessian, cores made of paper or other material, chlorine for industrial purposes shall be admitted free of taxes and duties.

(gb) The following materials if imported for use as bleaching materials or in connection with bleaching shall be admitted free of taxes and duties, namely, caustic soda, bleaching powder (calcium hypochlorite) chlorine, sodium thiosulphate, potassium permanganate, sulphuric acid and hydrochloric acid and such other bleaching materials as the Company may from time to time show to the satisfaction of the Government are to be used in the manufacture of bleached pulp.

(2) In sub-clause (h) of the said Clause 2 the words "the provisions of the foregoing sub-clauses (d) to (gb) inclusive" shall be substituted for the words "the provisions of the foregoing sub-clauses (d), (e), (f) and (g)".

- (3) In sub-clause (h) of the said Clause 2 the words "and fuel oil" shall be added after the words "crude petroleum" whenever the latter words occur.

Coal.

30. Notwithstanding the provisions of Clause 2 (h) of the Agreement of 1927 the Company shall be entitled to import coal for the operation of the extensions to its sulphite plant and the increase in the paper capacity of its mills hereinbefore referred to free of duties and taxes. For the purpose of giving effect to this provision it shall be assumed (a) that the coal consumed by the Company in its Corner Brook mills in each year up to but not exceeding 20,000 tons is coal imported otherwise than for such operation as aforesaid and the same shall accordingly be liable to payment of duty under Clause 2 (h) of the Agreement of 1927 and (b) that the coal consumed by the Company as aforesaid in each year in excess of 20,000 tons is coal imported for such operation as aforesaid and the same shall accordingly be free of duties and taxes.

No further taxes, etc., on timber.

31. Save as mentioned in the foregoing clauses of this Agreement no unmanufactured timber exported by the Company under this Agreement shall be subject to the payment of any tax duty or charge.

No discriminatory taxation.

32. The Government agrees that it will not impose on the Company nor shall the Company be liable to pay at any time hereafter any taxes, duties or charges of a special or discriminatory nature.

PART X. TOWNSITES

Establishment of townsites.

33. The Company may with the concurrence of the Government establish towns or settlements which may comprise (inter alia) such residences and other housing accommodation as may reasonably be required for its officers, operations, and workmen, and shall be laid out

according to town plans in such manner as to admit of the construction and expansion of modern towns or settlements, making proper provision for sanitary and other conveniences.

34. (1) The Company shall have the power (subject as ^{Regulations.} hereinafter mentioned) to make regulations having the force of law applicable within the area of every such town or settlement and within a protective area of 10 square miles to be selected by the Company adjoining the same and any further area which on the request of the Company the Government may consider it advisable to include therein, for dealing with the following classes of subject:—

- (a) Control of building,
- (b) Control of drains, sewers and sanitary conditions,
- (c) Streets and roads,
- (d) Lighting,
- (e) Water supply,
- (f) Fire protection,
- (g) The keeping of animals,
- (h) Public health general,
- (i) Closing hours of shops,
- (j) Any other subjects which may from time to time at the request of the Company be assigned to the Company by the Government.

- (2) Such regulations may prescribe penalties recoverable before a court of summary jurisdiction for the violation of any of the terms thereof and all regulations shall be subject to the prior approval of the Government and shall come into force on such date or dates as may be prescribed by the Government, who may at the same time direct that any portion of the protective area which is not owned by the Company shall be excluded from the operation of any or all of such regulations. Provided however that the Government may require the Company at any time to revoke or vary any regulations made hereunder and in default of compliance with such request the Government may revoke or vary such regulations by notice published in the Newfoundland Gazette.

PART XI.—MISCELLANEOUS PROVISIONS

Rights of
damming, etc.

35. Subject in the case of diversions, stopping or damming of a permanent nature to the prior written approval of the Government the Company shall have rights and be subject to obligations (including the obligation to pay compensation for rights, interests, lands or property submerged, destroyed, damaged or injuriously affected) in respect of diverting, stopping up or damming streams, lakes and watercourses within the drainage areas of the rivers, tributaries and streams the waterpowers whereof shall for the time being be held by the Company under the waterpower lease mentioned in the first Schedule hereto or demise made pursuant to the provisions of Clause 17 hereof and in respect of making, constructing and maintaining dams, watercourses, culverts, drains and reservoirs in such drainage areas in all respects similar to the rights and obligations in respect of the matters aforesaid conferred or imposed upon the Company under the Acts and Agreements mentioned in the recitals hereto in re-

spect of the rivers to which such Acts and Agreements relate.

36. Every arbitration provided for in this Agreement shall be conducted in the manner provided for arbitration in Clause 2 of the Agreement of 1927. In estimating the amount of compensation to be awarded by arbitrators, no increase in the value of the property by reason of the projected operations of the Company shall be taken into consideration. ^{Arbitration.}

37. The Company shall as far as is reasonably practicable employ Newfoundland labour in the conduct of and in connection with the establishment and operation of its works. ^{Newfoundland labour.}

38. Clause 6 of the Agreement of 1927 as amended by the Act of 1927 shall be deleted and in sub-clause (e) of Clause 9 of the Agreement of 1927 the words "subject in the case of pulpwood to the provisions of Clause 6 of this Agreement" shall be deleted. ^{Amendment of Agreement of 1927.}

39. If the Company shall fail to comply with its obligations to complete and put into operation in accordance with the terms of Clause 2 hereof the extensions referred to in such clause the Government may give notice to the Company requiring the Company to comply with such obligation and after the service of such notice and until the Company shall have complied with such obligation the Company shall not be entitled to export any wood other than wood actually cut prior to the giving of such notice. If the Company shall fail to complete the said extensions and put the same into operation by the expiration of 12 months after the service upon the Company of the notice aforesaid the Government may serve a further notice upon the Company determining this Agreement and upon the service of such last mentioned notice this Agreement shall and all the rights and privileges by this Agreement con- ^{Cancellation.}

ferred on the Company and the obligations by this Agreement imposed upon or undertaken by the parties respectively shall determine, provided that (a) such determination shall not affect the validity of anything then already done or suffered by either party under or in pursuance of any of the provisions of this Agreement save however that any demises of water powers then already made pursuant to the provisions of Clause 17 shall become void; and (b) that if any licence or licences shall then have already been issued under Clause 15 the term or terms thereof shall be deemed to be 99 years from the 2nd day of August, 1927 instead of 99 years from the date of this Agreement but in all other respects any such licence or licences shall continue in full force and effect and for that purpose Clause 16 of this Agreement shall be deemed to remain in force, and subject to the foregoing provisions of this Clause the rights and obligations of both parties and the force and effect of the Acts and Agreements mentioned in the recitals to this Agreement shall in all respects be the same as if this Agreement had never been entered into and the Government shall not have any further claim against the Company in respect of such failure.

Interpretation.

40. It is hereby declared:

- (a) That reference in this Agreement to air dry ton is for purposes of measurement only and shall not be construed so as to require the Company to manufacture or export sulphite pulp of any definite or particular degree of dryness.
- (b) That in the event of the Company at any time or times manufacturing pulp for transport to any mill or works hereafter erected in Newfoundland elsewhere than at Corner Brook pulp so manufactured shall if the Company so desires be treated for the purposes of this Agreement as if it were sulphite pulp manu-

factured for export and all references in this Agreement to the production or manufacture of sulphite pulp for export shall be construed accordingly.

41. In this Agreement wherever the context admits: **Definitions.**

- (a) "Newfoundland" shall be held to mean and include the Island of Newfoundland and the islands adjacent thereto.
- (b) "Labrador" shall be held to mean and include Labrador and the islands adjacent thereto.
- (c) "The Company" shall be held to include
 - (i) The assigns of all or substantially all the property and assets of Bowater's Newfoundland Pulp and Paper Mills Limited and
 - (ii) Companies whose ordinary share capital is owned or controlled as to not less than three quarters thereof by Bowater's Newfoundland Pulp and Paper Mills Limited or the assigns aforesaid and engaged in the business of logging lumbering or manufacture of pulp or paper or other products or by-products of timber or in operations incidental thereto or in generating or transmitting hydraulic electrical or other power or energy.
- (d) "cord" shall be held to mean 128 cubic feet of well and closely piled wood.
- (e) "during the currency of the Company's timber licences" shall be held to mean during the

99 years term provided for in Clause 13 of this Agreement.

Titles and
marginal notes. 42. Titles to Parts and marginal notes are inserted herein for convenience of reference only and shall not affect the construction hereof.

IN WITNESS WHEREOF His Excellency the Governor in Commission has caused the Great Seal of Newfoundland to be set hereunto and has signed these presents and Bowater's Newfoundland Pulp and Paper Mills Limited has caused these presents to be executed in accordance with its regulations the day and year first above written.

By His Excellency's Command,

(Sgd.) J. A. WINTER.

Commissioner for Home Affairs and Education.

The Common Seal of Bowater's
Newfoundland Pulp and Paper Mills Limited was hereunto af-
fixed in the presence of: (L.S.)

(Sgd.) H. M. S. LEWIN,

(Sgd.) T. S. HOWARD,
Directors

THE FIRST SCHEDULE hereinbefore referred to.

SECTION 1.—FEE SIMPLE REID LOTS

Lots Numbers: 71, 72, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 88, 238, 239, 240, 243, 244, RGR 1, RGR 2, RGR 3, RGR 4, RGR 21.

SECTION 2.—CROWN TIMBER LICENCES

License No.	Term	Original Licensees	Reg. No. Dept. Crown Lands
A. 172	99 years from 15 Sept., 1913	McDougall & Syme	Vol. 5, Fol. 81
B. 278	99 years from 22 Sept., 1921	Mines & Forests (Newfoundland) Ltd.	Vol. 7, Fol. 40
C. 269	99 years from 23 June, 1926	Mines & Forests Newfoundland) Ltd.	Vol. 7, Fol. 36
D. 270	99 years from 23 June, 1926	Mines & Forests (Newfoundland) Ltd.	Vol. 7, Fol. 37
E. 271	99 years from 23 June, 1926	Mines & Forests (Newfoundland) Ltd.	Vol. 7, Fol. 38
F. 213	99 years from 26 July, 1915	George Langmead	Vol. 6, Fol. 3
G. 99	50 years from 27 May, 1907	Robert B. Job	Vol. 2, Fol. 99
H. 119	99 year from 18 April, 1911	William R. Howley	Vol. 5, Fol. 29
I. 237	99 years from 14 Oct., 1919	William Taafe	Vol. 7, Fol. 4
J. 290	99 years from 12 Nov., 1924	Gander Valley Power & Paper Co., Ltd.	Vol. 7, Fol. 55
K. 291	99 years from 6 Aug., 1926	Mines & Forests (Newfoundland) Ltd.	Vol. 3, Fol. 43
L. 228	99 years from 19 Jan., 1919	Hender & Foote	Vol. 6, Fol. 18
M. 101	99 years from 23 Dec., 1910	Gander River Lumber & Pulp Co., Ltd.	Vol. 5, Fol. 15
M. 171	99 years from 15 Sept., 1913	Edward Sinnott	Vol. 5, Fol. 80
N. 185	99 years from 10 Nov., 1913	W. H. Hoffman	Vol. 5, Fol. 94
O. 179	99 years from 4 Oct., 1913	Begent & Carr	Vol. 5, Fol. 88
P. 147	99 years from 10 Dec., 1912	Gambo Lumber Co., Ltd.	Vol. 5, Fol. 57
P. 148	99 years from 10 Dec., 1912	Gambo Lumber Co., Ltd.	Vol. 5, Fol. 58
Q. 226	99 years from 24 Mar., 1919	Macaulay & Riordan	Vol. 6, Fol. 16
R. 37	50 years from 10 Feb., 1909	J. M. Curran	Vol. 3, Fol. 37
S. 173	99 years from 18 Sept., 1913	Fortin & Beauchemin	Vol. 5, Fol. 82
S. 175	99 years from 18 Sept., 1913	Fortin & Beauchemin	Vol. 5, Fol. 84
T. 138	99 years from 18 Oct., 1912	E. W. Roberts	Vol. 5, Fol. 48
U. 263	99 years from 16 May, 1925	Jackman & Power	Vol. 7, Fol. 30
U. 137	99 years from 17 April, 1911	Thomas Bonia	Vol. 5, Fol. 47

SECTION 3.—TIMBER CUTTING RIGHTS

Reid Lots Numbers: 19, 22, 23 and 226; and 67, 68, 69 and 70.

SECTION 4.—MISCELLANEOUS

(1) Crown Water Power Lease No. 2 for 99 years from 4th October, 1910, on the Gander River at the Big Chute, issued to Gander River Lumber & Pulp Company, Limited.

(2) Crown Mineral Lease No. 514 for 99 years from 7th January, 1931, on mining location situate at Cobb's Arm, New World Island, issued to Mines & Forests (Newfoundland) Limited.

(3) (a) Conditional Crown Grant No. 12180 (Vol. 70, Fo. 125) of 300 acres of land north of the Railway Bridge over the Gander River at Glenwood.

(b) Conditional Crown Grant No. 299 (Vol. 2, Fol. 299) of 294 acres, 1 rood, 20 perches of land south of 300 acres mentioned in (a); and

(c) Sawmill site and land at Gander Bay grant by the Crown by Grant No. 6129 to Elias Blake, Nathaniel Blake, John Blake, William Blake and Thomas Blake (Vol. 37, Fol. 99).

THE SECOND SCHEDULE hereinbefore referred to

SECTION 1.—CROWN TIMBER LICENCES

License No.	Term	Reg. No.	
		Original Licensee	Dept. Crown Lands
285	99 years from 5 th March, 1928	Baie Verte Lumber Company, Limited	Vol. 7, Fol. 52
286	99 years from 5th March, 1928	Western Arm Lumber & Trading Co., Ltd.	Vol. 7, Fol. 53
6	50 years from 23rd August, 1906	E. W. Roberts	Vol. 3, Fol. 6
11	50 years from 20th June, 1906	Emanuel Pike	Vol. 3, Fol. 11

SECTION 2.—CROWN GRANTS

(1) Crown Grant No. 15959 (Vol. 95 Fol. 168) of land on Southside of Western Arm, White Bay.

(2) Crown Grant No. 14761 (Vol. 92 Fol. 181) of land at Middle Arm, White Bay.

THE THIRD SCHEDULE hereinbefore referred to

GEORGE THE SIXTH, by the Grace of God, of Great Britain, Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To all to whom these Presents shall come, Greeting:

WHEREAS BOWATER'S NEWFOUNDLAND PULP AND PAPER MILLS LIMITED, of Corner Brook, in Our Island of Newfoundland (hereinafter called "the Licensee") have applied for a licence to cut timber on and over that Tract, Piece or Parcel of Land hereinafter described, under and subject to the conditions and provisions of Act Number of 1938. (Here insert the number of the Act confirming the Agreement to which this is a Schedule.)

NOW, THEREFORE, KNOW YE that We have licensed, and by these Presents do, for US, Our Heirs and Successors, License unto the Licensee

(Here insert description of licensed area.)

the same being more particularly described in the diagram delineated on the other side hereof, and containing square miles more or less.

TO HAVE AND TO HOLD the said Tract, Piece or Parcel of Land, for the purposes aforesaid, unto the Licensee for the full end and term of Ninety-nine years from the 29th day of November, 1938, the Licensee yielding and paying yearly and every year during the said term, at the office of the Commissioner for Natural Resources, the annual rental of Dollars being at the rate of Two Dollars per Square Mile on the day of in each and every year during the continuance of this licence.

PROVIDED, and this licence is upon the express condition that the Licensee shall at all times prevent all unnecessary destruction of timber on the part of its workmen, and shall exercise strict and constant supervision to prevent the origin and spread of fire; and that the Licensee shall not interfere with any person or persons cutting timber for the bona fide purposes of the fishery, for building vessels, for masts, for poles for erecting fish flakes, and for other such purposes, for fencing and for firewood.

AND it is hereby provided that any person or persons may at all times make and use roads upon, and travel over the grounds hereby licensed; that nothing herein contained shall prevent any person or persons from taking from the ground covered by this licence standing timber of any kind (without compensation therefor) to be used for the making of roads, bridges, railways or public works, by or on behalf of the Government of Newfoundland, the authority of the Commissioner for Natural Resources having been first obtained; and that persons settling under lawful authority or title within the location hereby licensed shall not in any way be interrupted or molested in clearing and cultivation by the Licensee, or any person acting for or on behalf of the Licensee.

AND it is hereby further declared and agreed upon that in case the Licensee shall make default in performance of any of the conditions herein contained, then and in that case this licence shall be null and void, and the timber hereby licensed shall revert to US, Our Heirs and Successors.

AND it is also further provided that the Licensee shall neither cast, throw, place nor introduce, nor shall it permit to be cast, thrown, placed nor introduced any sawdust, slabs of timber, cuttings, or timber waste of any description, or any noxious or deleterious sub-

stance, into any pond, lake or stream within the said land hereby demised.

GIVEN under the Great Seal of Our aforesaid Island of Newfoundland, at St. John's, in Our said Island, this day of
in the Year of Our Lord One thousand nine hundred and and in the
Year of Our Reign.

WITNESS Our trusty and well-beloved
Governor and Commander-in-Chief in and over
Our said Island of Newfoundland and its Dependencies.

BY HIS EXCELLENCY'S COMMAND

Commissioner for Home
Affairs and Education.

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